



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Special Appeal No.136 of 2026
13th May, 2026

Mukesh Chandra Pandey -----Appellant

Versus

UCO Bank and Another -----Respondents

Presence:-

Mr. Suhaas Ratna Joshi, learned counsel for the appellant.
Mr. Shubhang Dobhal and Mr. Bhupendra Bora, learned counsel for the respondents.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. The present intra-court appeal is directed against the order of learned Single Judge dated 24.04.2026 by which WPMS No.1086 of 2026 filed by the petitioner (appellant herein) challenging the auction proceedings dated 25.03.2026 under the provisions of the Securitisation and Construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') has been dismissed.

2. The petitioner had taken financial assistance from the respondent bank. As he defaulted in repayment of the loan, the bank proceeded against the mortgaged property under the provisions of the SARFAESI Act, 2002. Notice under Section 13(2) of the Act was given to the petitioner on 26.05.2025.



3. The petitioner was provided with a valuation report of the mortgaged property dated 22.06.2025 in August 2025. The petitioner disputed the correctness of the report claiming that the mortgaged property was valued much more. He also requested the bank to permit him to sell the property in open market and thereby clear the dues of the bank. The bank did not permit the same taking the stand that once proceedings under the SARFAESI Act have been initiated, the petitioner cannot be permitted to sell the property in open market. Ultimately, the property was auctioned under the provisions of the Act. Challenging the auction proceedings the petitioner preferred the writ petition.

4. The learned Single Judge has observed that the stand of the bank that after it had initiated proceedings under the SARFAESI Act, it was not bound to accept the request of the petitioner to sell the property in open market, does not suffer from any illegality.

5. We fully concur with the view taken by the learned Single Judge. The auction of the mortgaged property is one of the steps taken by the financial creditor within the scope of the SARFAESI Act. It has been repeatedly held by the Supreme Court that the measure taken by the bank under Section 13 of the Act should not be interfered with by the writ court as the person aggrieved has alternative



statutory remedy available to him under Section 17 of the Act.

6. For the said reason, we find no illegality in the order of the learned Single Judge which may warrant interference in exercise of intra-court appellate jurisdiction.

7. The appeal is accordingly dismissed, however, it shall be open to the appellant to avail the alternative remedy under the Act, if so advised.

8. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 13.05.2026
SS

SUKHBANT
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