

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.661 of 2022

Saroj Kumar Sahoo

....

Petitioner

Mrs. Madhusmita Kanungo, Advocate

-versus-

**Union Bank of India &
another**

....

Opposite Parties

Mr. Anshuram Mishra, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

20.01.2022

Order No.

02. 1. This matter is taken up through Virtual Mode.

2. The petitioner is a defaulting borrower of a term loan for an amount of Rs.14,50,000/- raised from the Corporation Bank, Talcher Branch (now merged with the Union Bank of India) on 29.12.2015. Due to lack of financial discipline, the loan account was declared as NPA on 29.04.2017, the recovery process under the SARFAESI Act, 2002 was initiated by issuance of a Demand Notice under Section 13 (2) on 15.05.2017 which has, over the period of time culminated into putting the mortgaged property (offered as a collateral security) to auction on 20.01.2022.

3. The instant writ petition has been filed challenging the e-auction notice for the sale fixed

today on the ground of arbitrary charging of certain amounts towards outstanding amount.

4. Learned counsel for the Bank states that a S.A. No.70 of 2021 already stands filed by the petitioner-defaulting borrower before the Debts Recovery Tribunal, Cuttack and a similar relief as claimed in the present petition stands already declined by the DRT. He further states that this Court had passed an order on 19.01.2022 providing an opportunity to the petitioner to protect his property being put to sale by deposit of a sum of Rs.10 lakhs till today. Concededly the said amount has not been deposited.

5. In view of the aforesaid factual contention that an application by the petitioner-borrower already stands filed before the DRT and the petitioner having not complied with the directions passed by this Court on 19.01.2022, we find no ground to invoke our writ jurisdiction. The writ petition is accordingly dismissed.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and

Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

January 20th, 2022
Cuttack

AKK

