

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.17904 of 2010

Rajkumar Ray

....

Petitioner

Mrs. A. Dhalsamanta, Advocate

-versus-

State of Orissa and Another

Opp. Parties

Mr. G.R. Mohapatra, A.S.C.

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. SAHOO

ORDER (Oral)

07.02.2022

Order No.

- 05.** **1.** This matter is taken up through virtual/physical mode.
- 2.** The petitioner is stated to have raised a loan from the Mayurbhanj Central Co-operative Bank Ltd., Baripada/Opposite Party No.2 for purchasing a Truck in the year 1997. Due to non-payment of installments with effect from January 1998, Opposite Party No.2 had invoked the arbitration proceedings under the Odisha Co-operative Societies Act and an award dated 12th January 2000 was passed, whereby the petitioner was held liable to pay a sum of Rs.39 lakhs along with interest. Nothing has been stated in respect of the execution proceedings.
- 3.** The present petition has been filed assailing the demand notice dated 3rd December, 2009 issued under

Section 13(2) of the SARFAESI Act, 2002 (for short “the Act 2002”) whereby the total outstanding in the loan account was recalled.

4. At the time of hearing, learned counsel for the petitioner very fairly and graciously concedes that in view of the provisions of Section 13 of the Act, 2002, the present writ petition would not be maintainable.

5. In view of the above, the writ petition is dismissed as not maintainable.

(Jaswant Singh)
Judge

(M. S. Sahoo)
Judge

February 7th, 2022
Cuttack

Basudev

