

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9508 of 2013

Iswar Chandra Bastia ***Petitioner***
None

-versus-

***Chief Manager, UCO Bank,
Nimapara Branch, At/PO-
Nimapara, Dist-Puri*** ***Opp. Party***
None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

Order No.

ORDER (Oral)
19.05.2022

- 04.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner is stated to have availed personal loan of ₹1 lakh from UCO Bank, Nimapara Branch, District-Puri on 01.12.2006. Due to default in payment of installments, the account was classified as NPA and a demand notice dated 08.08.2012 under Section 13(2) of the SARFAESI Act, 2002 (in short 'the Act, 2002') recalling the outstanding liability was issued.
- 3.** By filing the present writ petition, challenge has been laid to the aforesaid demand notice, with a further prayer for directing the Bank to accept the OTS proposal offered by the Petitioner for a sum of ₹50,000.00.
- 4.** This Court vide order dated 19.06.2013 passed the following order:-

“Misc. Case No.8928 of 2013

Issue notice as above.

Accept one set of process fee.

As an interim measure, this Court directs that no coercive action shall be taken against the petitioner till 26.07.2013 subject to deposit of Rs.10,000/-(ten thousands) before the opposite party-Bank within a month from today.

Urgent certified copy of this order be granted on proper application”.

5. At the time of hearing none has put in appearance.

6. We find that the aforesaid order was up to the said date i.e. 26.07.2013, and the same was not extended. That apart, it is well settled that no such writ is maintainable against the demand notice issued under Section 13(2) of the Act, 2002 and also no direction can be issued to the Bank for accepting the proposal for settlement under an OTS in the absence and *de hors* the terms of the OTS policy. In the present case, no such reference has been made.

7. In view of the above, the writ petition is dismissed.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

May 19th, 2022
Cuttack