

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P. (C) No. 1398 of 2020**

***Inder Lal Sharma***

....

***Petitioner***  
None

*-versus-*

***District Magistrate & Collector,  
Sambalpur & Another***

....

***Opposite Parties***  
None

**CORAM:**  
**JUSTICE JASWANT SINGH**  
**JUSTICE M.S. RAMAN**

**ORDER (Oral)**  
**12.07.2022**

**Order No.**

- 02.**
1. This matter is taken up by virtual/physical mode.
  2. None has put in an appearance on behalf of the parties.
  2. Petitioner is a defaulting borrower of a loan availed from the State Bank of India, Sambalpur Branch, Sambalpur and on account of default in payment of instalments, the account was declared as NPA and a demand notice was issued on 21<sup>st</sup> August, 2018 under Section 13(2) of the SARFAESI Act, 2002. The recovery process under SARFAESI Act, 2002 was initiated.
  3. The challenge in the instant petition has been laid to the order dated 3<sup>rd</sup> January, 2020 passed by the District Magistrate & Collector, Sambalpur, whereby the caveat petition filed by the Petitioner in the application under Section 14 of the SARFAESI Act, 2002 instituted by the secured creditor/Bank, has been dismissed on the ground that the proceedings being simpliciter executory in nature. Noteworthy here that in the case of MAA KALIKA BHANDAR vrs. COLLECTOR & DISTRICT

MAGISTRATE, W.P.(C) No. 26500 of 2021 vide judgment dated 29<sup>th</sup> June, 2022 after analysing the provisions of the SARFAESI Act and relevant case laws on the subject, this Court came to hold that proper remedy for challenging the orders passed by the District Magistrate, Sambalpur in the application under Section 14 of the SARFAESI Act, 2002 (in short, 'the Act, 2002') is available before the DRT under Section 17 of the said Act.

5. In view of the settled principles of law for a borrower to challenge the order passed by the District Magistrate & Collector, Sambalpur under Section 14 of the SARFAESI Act, 2002, this Court is not inclined to entertain the present petition.

6. Accordingly, the writ petition is dismissed.

Issue urgent certified copy as per rules.

(Jaswant Singh)  
Judge

(M.S. Raman)  
Judge

Laxmikant

July 12<sup>th</sup>, 2022  
Cuttack