

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1855 of 2012

Sabila Khatun

....

Petitioner

None

-versus-

***Assistant General Manager
and Authorised Officer,
Sambalpur Business
Development Center,
Sambalpur and another***

....

Opp. Parties

None

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

**ORDER (Oral)
10.02.2022**

Order No.

- 04.**
1. This matter is taken up through Virtual/Physical Mode.
 2. The petitioner is the defaulting borrower and has laid challenge to the Demand Notice dated 8th September, 2011 issued under Section 13 (2) of the SARFAESI Act, 2002 (for short "the Act, 2002").
 3. This Court while issuing notice on 02.02.2012 had granted interim protection subject to deposit of Rs.50,000/- before the Bank of India.
 4. None has put in appearance on behalf of the petitioner.
 5. The record reveals that the requisites/process fee has not been filed for issuance of summons to the opposite parties as directed by this Court vide order dated 02.02.2012.

It is otherwise well settled that merely issuance of a Demand Notice under Section 13(2) of the Act provides no cause of action to the petitioner to maintain either appeal before the Debts Recovery Tribunal or a writ petition before this Court.

6. The writ petition is accordingly dismissed.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

February 10th, 2022
Cuttack

AKK

