

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1901 of 2022

Mihir Kumar Paikray

....

Petitioner

Mr. Sita Kanta Hota, Proxy Counsel
on behalf of Mr. Arun Kumar Mansingh, Advocate

-versus-

***Bank of Baroda, Khandagiri
Branch, Bhubaneswar and
another***

....

Opp. Parties

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

22.03.2022

Order No.

- 04.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** The brief facts of the case are that the Petitioner i.e. Mihir Kumar Paikray along with his mother Saila Paikray availed a housing loan with a limit of ₹30 lakhs along with an interest of 9% from the Opposite Party No.1 i.e. Bank of Baroda, Khandagiri Branch, Bhubaneswar on 08.08.2009 by mortgaging a property situated at plot No.220/320, S.R.O., Khandagiri, Mouza-Sahajpur, Bhubaneswar, Dist-Khurdha.
 - 3.** The Petitioner was able to pay the installments regularly for two years. However, he started defaulting thereon. Consequently, the loan account was declared as NPA on 08.04.2011 with an outstanding liability of ₹32,92,052.00. The Bank issued a notice under Section 13(2) of the SARFAESI Act, 2002 (in short 'the Act,

2002') on 20.01.2014. Further, a notice under Section 13(4) of the Act, 2002 was issued on 12.06.2014.

4. The Petitioner claims that a total amount of Rs.23,00,000/- is pending after making various payments. However, the bank vide notice dated 21.12.2021 fixed the date of auction on 12.01.2022.

5. Aggrieved by the said notice, the Petitioner has approached this Court with a prayer to issue directions to Opposite Party-Bank to set-aside the E-Auction notice dated 21.12.2021 and restrain the OP No. 2 i.e. Authorized Officer, Bank of Baroda from interfering with the possession of the Petitioner.

6. During the course of argument, the counsel for the Petitioner requested to withdraw the writ Petition vide I.A. No.3715 of 2022 in order to pursue his remedy before the DRT, Cuttack.

7. In light of the above request, the Petition is disposed of as withdrawn with the aforesaid liberty to pursue his remedy before the DRT, Cuttack.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

Basudev

March 22nd, 2022
Cuttack