HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18166 of 2014

Jayanta Kumar Mohakud .... ***Petitioner***

Mr. Tapan Mishra, Proxy Counsel
on behalf of Mr. P. K. Mishra, Advocate

-versus-

Authorized Officer, The Baripada Urban Co-operative Bank Ltd., Baripada, Mayurbhanj .... ***Opp. Party***

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)
18.11.2022

(Hybrid Mode)

Order No.

08. **1.** Petitioner is stated to have availed a Cash Credit Loan facility to the tune of Rs.9.50 Lakhs from the Baripada Urban Co-operative Bank Limited, Baripada, District-Mayurbhanj on 21st July, 2003. To secure the loan, equitable mortgages of two immovable properties were created as collateral security on 22nd July, 2003. Due to financial indiscipline, the loan account was classified as NPA and a Demand Notice dated 19th June, 2014 issued under Section 13(2) of the SARFAESI Act, 2002 (for short, "the Act, 2002") recalling the outstanding liability of Rs.19,84,263/- due as on 15th May, 2014 along with future interest and incidental expenses etc.

2. The prayer made in the present Writ Petition is for challenging the aforesaid Demand Notice dated 19th June, 2014 (Annexure-1), with a further prayer for the Bank to settle the account under the OTS policy.

3. It is apparent that since the filing of the present Writ Petition on 18.09.2014, no interim order has been passed.

4. At the time of hearing, Mr. Mishra, learned proxy counsel appearing for the petitioner states that they have no instructions regarding the matter as by efflux of time, the petitioner has lost interest in pursuing the present Writ Petition.

5. In our considered view, challenge to the Notice under Section 13(2) of the Act, 2002 simplicitor is not maintainable as per the scheme of the Act, 2002.

6. Accordingly, the present Writ Petition stands dismissed with a liberty to the petitioner to seek his remedies in accordance with law.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

Sipun

18th November, 2022
Cuttack