

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6037 of 2022

Sunita Agarwal

.... Petitioner

Mr. P. K. Ghose, Advocate

-versus-

***Authorized Officer & Chief
Manager, Bank of Baroda,
Birsa Road Branch,
Rourkela, Sundargarh***

.... Opp. Parties

Mr. K. M. H. Niamati,
Advocate for the Bank

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

**ORDER (Oral)
16.11.2022**

Order No.

(Hybrid Mode)

05. 1. The guarantor of a Cash Credit facility availed by defaulting borrower is before this Court challenging the Sale Certificate dated 20th January, 2022 issued in favour of Mrs. Kalabai Jaiswal/Opposite Party No.2 upon deposit of the entire sale price of Rs.76,10,000/- for the secured asset purchased in the auction conducted on 23rd December, 2021 towards recovery of the outstanding liabilities of M/s. Megha Steel, a proprietorship concern of Mrs. Megha Agarwal. The said Megha Agarwal is none else than the daughter of the present petitioner-guarantor of the defaulting borrower i.e. Mrs. Megha Agarwal.

2. In view of the settled law that the proper remedy for laying challenge to the Sale Certificate if at all

would be an application under Section 17 of the SARFAESI Act, 2002 before the DRT, we find no grounds to entertain the present Writ Petition.

3. Accordingly, the present Writ Petition stands dismissed with liberty to the petitioner to seek his available remedies in accordance with law before the DRT.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

Sipun

16th November, 2022,
cuttack

