

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6283 of 2022

Smt. Priyadarshini Behera and others ***Petitioners***

Mr. Diptiranjana Mohapatra, Advocate
-versus-

The Authorized Officer, State Bank of India and others ***Opp. Parties***

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

06.05.2022

Order No.

02. 1. This matter is taken up through virtual/physical mode.
2. Smt. Priyadarshini Behera (Petitioner No.1) is the sole proprietress of M/s. The Mother Diagnostic (Petitioner No.3). The two Petitioners along with Sri Basudev Jena (Petitioner No.2), the husband of Petitioner No.1, had availed six loans from the State Bank of India, College Square Branch, Cuttack during the periods ranging from 2011 to 2015. Due to financial indiscipline, the loan accounts were classified as NPA on 30th April, 2017, leading to the issuance of the demand notice dated 13th November, 2017 under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "the Act, 2002") recalling the entire outstanding amount of Rs.40,31,611/- in all the six accounts. The bank is stated to have filed an Original Application before the DRT, Cuttack for recovery of the total outstanding dues, while also initiated recovery process leading up to the sale of the secured assets on 25th July, 2018 under the

Act, 2002. The Petitioners are stated to have filed S.A. assailing the sale under Section 17 of the Act, 2002 along with an application for condonation of delay of more than one year. The DRT, Cuttack vide order dated 24th September, 2019 had condoned the delay, while further directing to deposit Rs.20.00 lakhs within one month, i.e. on or before 24th October, 2019.

3. The Petitioners by filing the instant writ petition have laid challenge to the aforesaid direction qua deposit of Rs.20.00 lakhs vide order dated 24th September, 2019; as also notice dated 6th January, 2022 issued by the Bank requesting the Petitioners to handover the actual physical possession of the sold secured asset.

4. At the time of hearing, it is conceded by counsel for the Petitioners that a review application qua the direction to deposit Rs.20.00 lakhs stands filed. That part, it cannot be disputed that against any order passed by the DRT, Cuttack, there is an Appellate Forum available before the DRAT, Kolkata. The notice dated 6th January, 2022 is a simple notice of request and otherwise also it is the obligation of the secured creditor to take steps to secure and handover the actual physical possession to the successful auction purchaser as per the scheme of the Act, 2002.

5. In view of the above, we find no grounds to invoke our writ jurisdiction. Accordingly, this writ petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge