

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7117 of 2022

Saroj Kumar Chhotray

.... Petitioner

None

-versus-

**Urban Cooperative Bank,
Cuttack, Tinikonia
Bagicha, Post-Buxi Bazar,
PS-Daraghbazar, Cuttack**

.... Opp. Party

Mr. Asish Mishra, Advocate for the Bank

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

**ORDER (Oral)
27.09.2022**

Order No.

05. This matter is taken up through virtual/physical mode.

1. The petitioner has availed a business loan of Rs.1,00,000/- and a Cash Credit Limit of Rs.50,000/- in the year 1996. Both the loan accounts were classified as NPA since 31st March, 1999 and 31st March, 2006 respectively due to non-servicing of the accounts.

2. The petitioner has laid challenge to the recovery process initiated by the Bank leading up to the issuance of the auction sale of the mortgaged property/collateral security on 28th March, 2022.

3. At the time of first hearing on 13th May, 2022, the following order was passed:

“1. This matter is taken up virtual/physical mode.

2. The only prayer as a mercy is for providing the computation-sheet of the outstanding liability of a loan availed in the year 1996.

3. *Mr. Asish Mishra, learned counsel for the Bank prays for two days' adjournment.*

4. *List on 19.05.2022.*

5. *Let a copy of the petitioner be furnished on the learned counsel for the Bank."*

4. In compliance of the same, an affidavit dated 2nd August, 2022 of Shi Sarat Chandra Swain, Authorized Officer, Urban Cooperative Bank Ltd., Cuttack has been filed along with the details of the outstanding amount.

5. Learned counsel for the Bank submits that the auction fixed for 28th March, 2022 had failed for want of any bidders. He further submits that the petitioner has efficacious alternative remedy under Section 17 of the SARFAESI Act, 2002 before the DRT, which is fully functional and thus, the present Writ Petition is not maintainable.

None has put in appearance on behalf of the petitioner.

6. In view of the above, the Writ Petition is dismissed by relegating the petitioner to seek his available remedy in accordance with law before the DRT.

**(Jaswant Singh)
Judge**

**(M.S. Raman)
Judge**