

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.3215 of 2010

Sachidananda Mohapatra & Others ***Petitioners***

Ms.S.Devi, Advocate

-versus-

Assets Reconstruction Company(India) Limited(ARCIL) and Others ***Opp. Parties***

Mr. P.K.Rath, Advocate(O.P.No.3)

Mr. A.Mishra, Advocate for O.P.Nos. 1 & 2

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

Order No.

**ORDER
29.03.2022**

12. 1. The Petitioners who are the guarantors for the loan advanced to Opposite No.3 make a grievance that the loan was assigned by Union Bank of India (Opposite Party No.2) to the Assets Reconstruction Company (India) Limited [ARCIL] (Opposite Party No.1) without their consent. They accordingly contend that they can no longer be held liable.
2. Counsel for the Petitioners states that when the Petitioners ventilated the above grievance before the DRT it did not agree with them. However, the order passed by the DRT in that regard is not produced before this Court.
3. If the Petitioners are aggrieved by such order of the DRT they ought to have filed an appeal before the Debt Recovery Appellate Tribunal. Nevertheless, if there is no such formal order of the DRT rejecting the prayer of the Petitioners, it will be open to

them to urge before the DRT their plea that their liability stands discharged on account of transfer of the loan to ARCIL without their consent. Such plea will then be considered in accordance with law by the DRT.

4. It may be noted here that by an interim order 7th April, 2010, this Court had required the Union Bank of India to retain the mortgaged documents furnished by the Petitioners till the conclusion of this case. Today, learned counsel appearing for the Union Bank of India informs to Court that way back in 2004, the mortgaged documents were already produced before the DRT.

5. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge