

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.9746 of 2022**

***M/s. KCS Pvt. Ltd.***

....

***Petitioner***

Mr. Suwendu Kumar Ray, Advocate

*-versus-*

***Aditya Birla Housing Finance  
Ltd. and others***

....

***Opposite Parties***

Mr. R.C. Panigrahi, Advocate

**CORAM:**

**JUSTICE JASWANT SINGH**

**JUSTICE M.S. RAMAN**

**ORDER (Oral)**

**06.05.2022**

**Order No.**

01.

1. This matter is taken up through virtual/physical mode.
2. The borrower has laid challenge to the demand notice dated 23<sup>rd</sup> February, 2022 issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “the Act, 2002”) by the Aditya Birla Housing Finance Ltd., with the further grievance for not considering the OTS application.
3. Mr. R.C. Panigrahi, counsel appearing for the opposing parties, upon advance notice, states that the present writ petition is premature as no writ petition is maintainable against a simpliciter notice for recall of the outstanding liabilities under Section 13(2) of the Act, 2002.
4. At this stage, counsel for the Petitioner prays for permission to withdraw the writ petition to enable his client to seek its remedy in accordance with law.

5. Accordingly, this writ petition is dismissed as withdrawn with the aforesaid liberty.

Issue urgent certified copy as per rules.

***(Jaswant Singh)***  
***Judge***

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

Jyostna

May 6<sup>th</sup>, 2022  
Cuttack

