IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10328 of 2022

Chaitanya Biswal .... ***Petitioner***

Mr. Rabindra Nath Prusty, Advocate

-versus-

Union Bank of India, Sambalpur and another .... ***Opp. Parties***

Mr. Bhaskar Chandra Panda,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
27.04.2022

Order No.

02. 1. This matter is taken up through virtual/physical mode.

2. The Petitioner is a defaulting borrower of a cash credit loan facility availed for a sum of Rs.10.00 lakhs from Union Bank of India, Jharsuguda Branch, Jharsuguda in the month of October, 2004 for supporting business of Rice Mill. Due to financial indiscipline, the loan account was declared NPA on 25th August, 2011. The demand notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act, 2002') was issued on 31st December, 2011 recalling an outstanding liability of Rs.21,57, 978/- due as on 31st December, 2011 excluding interest. Symbolic possession of the secured asset/mortgaged property was assumed vide notice dated 23rd March, 2022 under Section 13(4) of the Act, 2002. The sale notice dated 25th March, 2022 is stated to have been issued for conduct of the e-auction sale of the secured asset on 29th April, 2022.

3. By filing the present writ petition, challenge has been laid to the aforesaid sale notice dated 25th March, 2022.

4. Counsel for the Bank, appearing on advance notice, states that the total outstanding amount as on today including interest would be around of Rs.60.00 lakhs.

5. The Petitioner through his counsel has been offered an opportunity to deposit substantial amount as upfront money, which is stated to be beyond the capacity of the Petitioner.

6. From the pleadings, we find no basis much less any legal ground has been taken for assailing the recovery process including the issuance of 30 days sale notice. In the light of the settled law that the writ court should keep their hands off in disputes relating to recovery process under the Act, 2002, we find no grounds to entertain this present writ petition.

7. In view of the above, this writ petition is dismissed. The Petitioner is relegated to seek his remedy before the DRT, if so advised, in accordance with law.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna April 27th, 2022
Cuttack