

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.13782 of 2022

Smt. Bijayalaxmi Rout & Others **Petitioners**
Mr. B.P.B. Bahali, Advocate
-versus-

**Authorised Officer-cum-Regional
Manager of Odisha Gramya Bank
& Others** **Opposite Parties**

Mr. Tuna Sahu, Advocate Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

25.07.2022

Order No.

- 03.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner No.1 is a defaulting borrower availed Cash Credit facility to the tune of Rs.12.00 lakhs for running business (manufacturing of Agarbatti) in the year 2010. Due to non-servicing of loan account, it was classified as NPA on 31st December, 2014. Subsequently, a demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 24th February, 2015, recalling an amount of Rs.12,25,054/- stood as on 18th February, 2015 and symbolic possession of the secured asset was assumed vide notice under Section 13(4) of the SARFAESI Act, 2002 issued on 20th June, 2015. On 27th November, 2019, the Opposite Party-Bank proceeded to issue e-auction sale notice fixing the date of Auction on 30th December, 2019. The possession of the secured asset has been handed over to Smt. Mamata Patra, Cuttack, successful bidder on receipt of consideration of Rs.43,19,250/-

3. Mr. Tuna Sahu, counsel for the Opposite Party-Bank submitted that the Petitioner has already approached the DRT, Cuttack in S.A. No. 138/2019 by challenging the e-auction sale notice dated 27th November, 2019.

4. In view of aforesaid fact, the Petitioner having already approached the DRT, Cuttack by way of availing alternative remedy under the SARFAESI Act, 2002, there remains nothing in the writ petition for adjudication. Hence the writ petition stands dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

July 25, 2022 Cuttack

