

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 17456 of 2022

Sibanarayan Chhotray

....

Petitioner

None

-versus-

**Regional Director of RBI, BBSR
& another**

....

Opposite Parties

Mr. A. Dash, Advocate for O.P. No.2

CORAM:

**JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO**

ORDER

23.11.2022

Hybrid Mode

Order No.

- 05.** **1.** The petitioner, a defaulting borrower of a home loan of Rs.15 lakhs on 24.06.2006 from the opposite party no.2-financial institution, Karnataka Bank Ltd., has filed the writ petition, inter alia, challenging the letter dated 4.6.2022 (Annexure-6) rejecting One Time Settlement application of the petitioner dated 31.5.2022 as well as legal notice 14.6.2022 demanding the petitioner for payment of the defaulted amount of Rs.5 lakhs.
- 2.** By filing counter affidavit dated 10.10.2022, the O.P.-financial institution has controverted the allegations of the petitioner and at paragraph-9, following has been stated :

“.....the writ petition challenging the action of O.P. No.2-Bank is not maintainable in view of the decision of the Hon’ble Supreme Court dated 21.10.2022 passed in Civil Appeal Nos.257-259/2022 (Phoenix ARC Pvt. Ltd. v. Vishwa Bharati Vidya Mandir and others), wherein the Hon’ble Supreme Court has been pleased to held that it

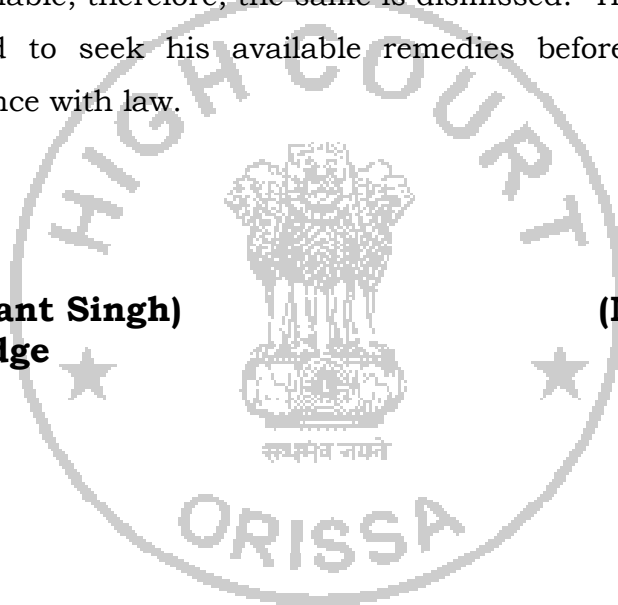
amounts to abusing the process of Court. The Hon'ble Supreme Court has further held that writ petition is not maintainable as against private Financial Institution and it is humbly submitted that Karnataka Bank is a private sector Bank."

3. Learned counsel for the O.P. No.2 submits that no writ is maintainable against a private Bank and hence the writ is liable to be dismissed. None appears for the petitioner to controvert the aforesaid stand of the opposite parties.

4. In considered view of this Court, the writ petition is not maintainable, therefore, the same is dismissed. The petitioner is relegated to seek his available remedies before the DRT in accordance with law.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge



November 23rd, 2022
Cuttack

dutta