IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18033 of 2022

Laxmipriya Sarangi …. ***Petitioner***

None

-versus-

M/s. Bank of Baroda,
Swargadwar Branch, Puri …. ***Opp. Party***

Mr. Manoj Kumar Mohapatra-1,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)
18.11.2022

Order No. **(Hybrid Mode)**

04. **1.** The petitioner is a defaulting borrower having availed a Cash Credit facility of Rs.11.50 Lakhs and Term Loans of Rs.15.35 Lakhs & Rs.25.00 Lakhs from the Opposite Party-Bank i.e. Bank of Baroda, Swargadwara Branch, Puri. Ultimately, the credit facilities availed by the petitioner on default went up to Rs.51.85 Lakhs as outstanding dues which she did not service and continuously defaulted to pay, resulting in the account been classified as NPA on 31st January, 2020.

2. On 15th September, 2022, the following order was passed granting another opportunity to the petitioner:

> *" Learned counsel for the Bank submits, upon instructions that the alleged objections to the Notice under Section 13(2) of the SARFAESI Act, 2002 were never received or served upon the Bank.*

Due to non-availability of the learned counsel for the petitioner, hearing of this case is adjourned to 10.11.2022."

3. By filing the present Writ Petition, challenge has been laid to the Notice issued under Section 13(2) of the SARFAESI Act, 2002 (for short, "the Act, 2002") dated 29th November, 2021 as well as the Possession Notice issued under Section 13(4) of the Act, 2002 dated 7th July, 2022.

4. The Opposite Party-Bank has filed its counter on 13th November, 2022 wherein it has been categorically stated no representation/objection under Section 13(3-A) of the Act, 2002 was ever filed by the petitioner in response to the Notice of the Bank.

5. In our considered view, challenge to the Notice under Section 13(2) of the Act, 2002 is not maintainable as per the Scheme of the Act, 2002.

6. None has put in appearance for the petitioner to refute the contentions raised by the Bank.

7. Accordingly, the present Writ Petition stands dismissed with a liberty to the petitioner to seek her remedies available under law, if she is so advised.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

Sipun 18th November, 2022
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