

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20828 of 2022
(Through hybrid mode)

The Chief Manager, Indian Overseas Bank, BBSR and another *Petitioners*

Mr. Aurovinda Mohanty, Advocate

-versus-

Sanjulata Senapati *Opposite Party*
In-person

CORAM: JUSTICE ARINDAM SINHA

ORDER
13.10.2022

Order
No.
02.

1. Mr. Mohanty, learned advocate appears on behalf of petitioners (bank). He submits, impugned is order dated 4th July, 2022 made by District Consumer Disputes Redressal Commission, Jajpur in C.C. Case no.73 of 2022. He submits, by making the order, the complaint petition was entertained by the Commission. This was against view taken by a Division Bench of this Court in **Central Bank of India and Ors. V. Ram Chandra Sahoo and Ors.** reported in **AIR 2011 Ori 164**, paragraphs 9 and 10 in Manupatra print.
2. Opposite party appears in person. She has not been called upon to submit.
3. Text of impugned order is reproduced below.

“Advocate for complainant is present and filed requisites. After perusal of the record it is found that the O.P. sent to demand notice dt.13.12.2021 and 21.05.2022 U/S 13(4) of Surface Act, 2002 to the petitioner. Accordingly issue notice to the O.Ps. along with complaint petition for filing show cause/objection on or before 02.08.22 on the point of maintainability of the complaint. Put up on the above date fixed for filing objection and admission of the complaint petition.”

Relied upon paragraph-9 from **Central Bank of India** (supra) is reproduced below.

“9. It is stated at the Bar that passing of such type of order by the District Forum now-a-days is rampant and the District Forum, Puri has crossed all its limits in passing the interim order without insisting opposite party No.1 to approach the appropriate forum under the Statute. It is also stated that now the borrowers of various other Banks are approaching the Consumer Forums and getting the orders of stay of realization of the loan amount availed by them.”

4. In **Central Bank of India** (supra) the Division Bench took the view on fact that the District Forum had passed interim order. In this case, the Commission has posted the matter for filing objection and admission of complaint petition. Clearly contention of the bank in the writ petition is premature.

5. Parties are at liberty to produce this order before the Commission, and pray for it to fix a date and decide the question of maintainability.

6. With above direction, the writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

