

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21212 of 2022

***M/s. Maa Kalika Bhandar,
Cuttack & Another***

.... Petitioners

Mr. S.P. Mishra, Senior Advocate
along with Mr. A. Agarwal, Advocate

-versus-

***The Chief Manager-cum-
Authorised Officer, Oriental
Bank of Commerce, Gurgaon,
Haryana & Others***

.... Opp. Parties

Mr. Anjan Kumar Biswal,
Advocate for the Bank

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

**ORDER (Oral)
31.10.2022**

**Order No.
03.**

This matter is taken up through virtual/physical mode.

1. The petitioner No.1 is stated to be a Proprietorship concern of Sri Pawan Kumar Jajodia (Petitioner No.2), who are facing recovery process under the SARFAESI Act, 2002 for outstanding liability of more than Rs.30 Crores towards the OBC Bank.

2. The present writ petition has been filed praying for a direction to the learned DRT, Cuttack to dispose of the interim applications filed seeking interim reliefs in the pending two S.As. filed by the petitioners challenging the auction sale of the mortgaged properties/collateral securities as also the

orders passed by the District Magistrate-cum-Collector ordering the providing of official assistance for taking over the actual physical possession of the collateral securities.

3. Learned counsel for the Bank at the outset submits that the present writ petition has not been filed by a proper person as M/s. Maa Kalika Bhandar is not a proprietorship concern but a partnership concern. He submits that the title itself is thus defective and the writ is not maintainable.

4. After hearing learned counsel for the parties, we find no occasion for initiating parallel proceedings and issuing any direction to the learned Tribunal although this Court does possess the supervisory jurisdiction. Accordingly we dispose of the present Writ Petition with the only observation that it is hoped the learned DRT, Cuttack would take steps to expeditiously take up the matter in the pending S.As. filed by the petitioner, keeping in view the huge liability towards the Bank as also the corresponding rights of the borrower/guarantors/auction purchasers.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

31st October, 2022
Cuttack