

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.21502 of 2022

M/s. Sai Marketing & Others

Petitioner

Mr. Durga Prasad Pattnaik, Advocate

-versus-

***Authorized Officer, Union Bank of
India, Regional Office, Gayatri
Central Plaza & Others***

Opposite Parties

Mr. Sandeep Kumar Mishra, Advocate on
behalf of Mr. Tuna Sahu, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
26.08.2022

Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. The Petitioner is a defaulting borrower facing recovery process under the SARFAESI Act, 2002 having culminated into the issuance of a sale certificate dated 13th July, 2022 in favour of the successful auction purchaser towards meeting the outstanding liabilities of around Rs.37.00 lakhs.
3. The present petition has been filed for setting aside the sale certificate dated 13th July, 2022 and further direction for not taking any other coercive steps till the matter is pending before the DRT as it is apprehended that the physical possession through official assistance may be obtained by the secured creditor/Bank.
4. Counsel for the Bank, appearing on advance notice, submits that the Petitioner has already filed S.A. No.80 of 2022 challenging the sale notice dated 4th May, 2022, which had culminated into

issuance of the sale certificate dated 13th July, 2022. The said S.A. is now posted to 6th September, 2022. He submits that the Petitioner is free to amend the already filed S.A. before the DRT. Therefore, the present petition is not required to be taken up for consideration. Parallel proceedings cannot be maintained, more so the appropriate remedy in such like matter is before the DRT under Section 17 of the SARFAESI Act, 2002.

5. In view of the above submission, the writ petition is dismissed.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

August 26, 2022 Cuttack

