

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.21893 of 2022

Surendra Kumar Dwibedi & Another

Petitioners

Mr. Bijaya Kumar Mallick, Advocate

-versus-

***IDFC First Bank Limited (formerly
known as Capital First Limited) &
Another***

Opposite Parties

None

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

**ORDER (Oral)
29.09.2022**

Order No.

03.

This matter is taken up by virtual/physical mode.

1. The Petitioners are stated to have raised loan for a sum of Rs.10,97,000/- for business purposes in April, 2018 from IDFC First Bank Limited (non-banking finance company). Due to financial indiscipline, recovery of the outstanding liabilities under the SARFAESI Act is stated to have commenced.

2. By filing the present writ, the prayer made is for quashing the proceeding bearing Bank Case No. 23 of 2022 upon an application filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the secured creditor for providing official assistance for taking over actual physical possession, stated to be

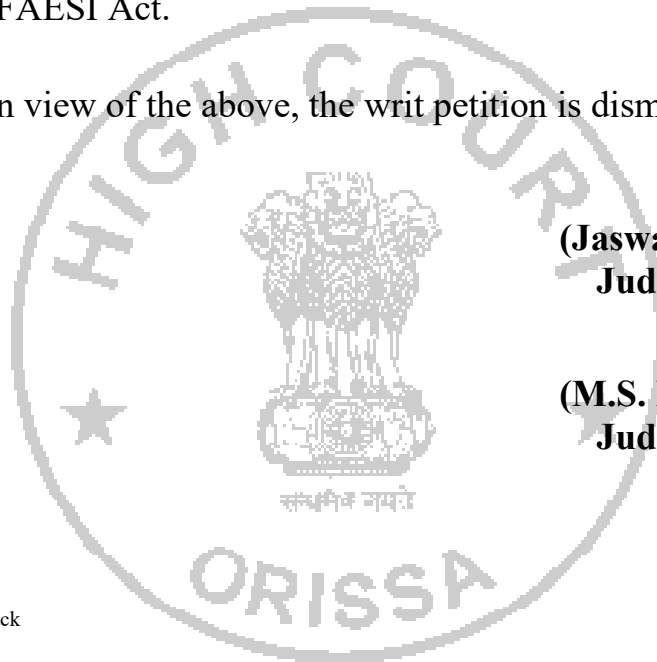
pending before the District Magistrate-cum-collector, Cuttack. We find the present writ to be totally misconceived and misplaced.

3. It is well settled that the proceedings before the District Magistrate in the application under Section 14 of the SARFAESI Act are in the nature of execution proceedings, which are not open to challenge during the pendency and after conclusion, the remedy is before the DRT, Cuttack in an application under Section 17 of the SARFAESI Act.

4. In view of the above, the writ petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge



Aks

September 29, 2022 Cuttack