IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23419 of 2022

Motilal Sahu .... ***Petitioner***

Mr. T. P. Tripathy, Advocate

-versus-

Canara Bank, Head Office, Bangalore, Karnataka-560002 and Others .... ***Opp. Parties***

Mr. B. N. Udgata, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
27.09.2022

Order No.

01. This matter is taken up through virtual/physical mode.

1. Petitioner is the proprietor of M/s. Goodwill Motors and stated to have availed eleven (11) loans from the Canara Bank, Keonjhar Branch on different dates. Due to financial indiscipline, the loan accounts were classified as NPA in the month of March, 2022 leading to issuance of a Demand Notice dated 2nd April, 2022 (Annexure-1) recalling the outstanding aggregate liability of around Rs.64 Lakhs. Subsequently, the symbolic possession of the collateral security has also been assumed vide Notice dated 3rd June, 2022 issued under Section 13(4) of the SARFAESI Act, 2002.

2. By filing the present Writ Petition, the following prayer has been made:

> *"It is therefore, humbly prayed that this Hon'ble Court may graciously be pleased to issue rule NISI calling upon the Opp. Parties-Bank to show cause as to why the proceedings initiation*

> *under the SARFAESI Act ought not to be quashed and the Bank be directed to regularize the said loan accounts and/or to settle the account under an one time settlement scheme;*
>
> *And if the Opp. Parties fail to show cause or show insufficient cause make the said Rule absolute by issuing writ in the nature of certiorarifide mandamus quashing the proceedings initiated under the SARFAESI Act, 2002 and directing the Bank to regularize the said loan accounts and/or to settle the account under on one time settlement scheme;*
>
> *And further be pleased to pass any further order(s)/direction(s) as would be deem fit and proper;*
>
> *And for which act of kindness, the petitioner as in duty bound shall ever pray.*"

3. After hearing learned counsel for the petitioner, we find no grounds to invoke our writ jurisdiction. The petitioner is absolutely free to approach the Bank for seeking the upgradation of his loan accounts by deposit the amounts overdue and in the alternative can seek a settlement under the prevailing OTS Scheme, if any, in accordance with law. For both the aforesaid recourses, no intervention is required by this Court in writ jurisdiction.

4. In view of the above, the Writ Petition is accordingly dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Sipun

27th September, 2022
Cuttack