

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37918 of 2021

***Manoj Kumar Sahu and
Another***

.... Petitioners

Mr. S.K. Rath, Advocate

-versus-

***Branch Manager, State Bank
of India, Karlamunda
Branch, Dist- Kalahandi and
Another***

.... Opp. Parties

Mr. M.M. Swain, Advocate for the Bank

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

ORDER (Oral)

13.12.2022

(Hybrid Mode)

Order No.

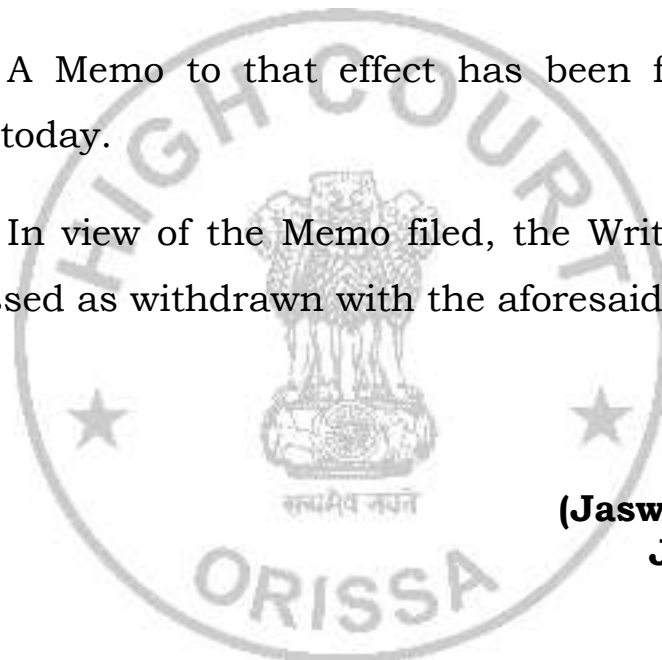
- 03.** **1.** The Petitioner No.1 is a defaulting borrower of a loan facility availed for a sum of Rs.7 lakhs from State Bank of India, Karlamunda Branch, Dist-Kalahandi on 19.08.2015. Due to non-deposit of installments, the loan account was classified as NPA on 28.05.2018. The Bank then issued a demand notice dated 26.08.2021 under Section 13(2) of the SARFAESI Act, 2002 recalling the outstanding liability of Rs.9,75,318/-. The Petitioner No.1 is stated to have filed a representation dated 17.09.2021 (Annexure-2) to the aforesaid notice requesting for restructure the payment of the loan installments.

2. By filing the present Writ Petition, a challenge has been laid to the aforesaid demand notice. However, keeping in view the scheme of the SARFAESI Act, 2002, a challenge to the same is not maintainable at this stage.

3. At the time of argument, learned counsel for the petitioners prays for permission to withdraw the Writ Petition to enable his client to pursue his remedy before the Bank.

A Memo to that effect has been filed in the Court today.

4. In view of the Memo filed, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.



(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

Basudev

13th December, 2022
Cuttack