

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 38882 of 2021

Manas Sahoo

....

Petitioner

Mr. B.S. Tripathy-1, Advocate

-versus-

**Housing Development Finance
Corporation Ltd.**

....

Opp. Party

None

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

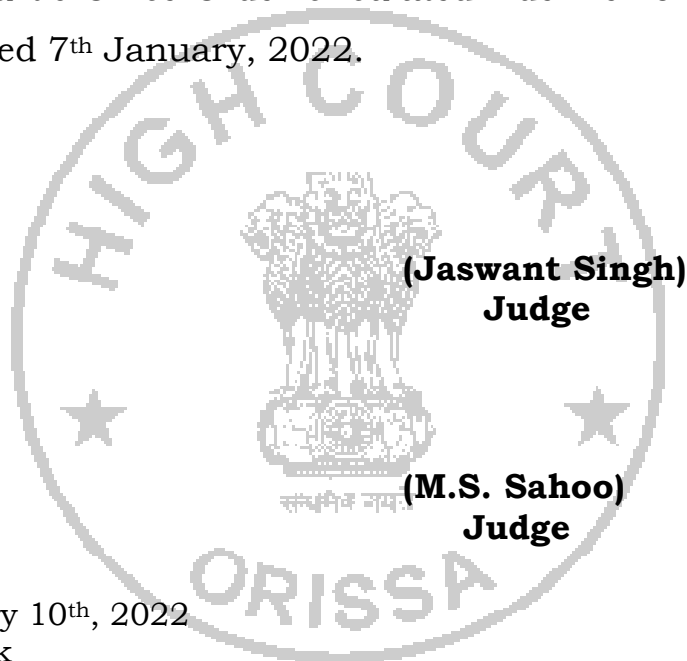
**ORDER (Oral)
10.01.2022**

Order No.

- 02.**
- 1.** This matter is taken up through virtual mode.
 - 2.** The petitioner is the defaulting borrower who has received a demand notice dated 30.08.2021 U/s.13(2) of the SARFAESI Act, 2002 and against which it is stated that a reply/objection dated 03.12.2021/Annexure-8 has been filed. Challenge is laid to demand notice dated 30.08.2021.
 - 3.** It is conceded that except the demand notice no other action has been taken by the Bank for recovery of the outstanding loan.
 - 4.** After hearing counsel for the petitioner, we find that in view of the Scheme of the SARFAESI Act, 2002 (for short 'the Act, 2002'), as of now, no cause of action has accrued to the petitioner to even file an appeal U/s.17 of the Act, 2002 before the Debts Recovery Tribunal, much less the present writ petition before this Court.

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

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo No.514 and 515 dated 7th January, 2022.



January 10th, 2022
Cuttack

RRJena