



2026:UHC:3079

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1086 of 2026

24 April, 2026

Mukesh Chandra Pandey

--Petitioner

Versus

Uco Bank Through Zonal Manager & another

--Respondents

Presence:-

Mr. Suhaas Ratna Joshi and Ms. Bhavya Sharma, learned counsel for the petitioner.

Mr. Bhupendra Singh Bora, learned counsel holding brief of Mr. Shubhang Dobhal, learned counsel for the respondents.

Hon'ble Pankaj Purohit, J. (Oral)

By means of present writ petition, petitioner has sought the following relief:-

“(i) Issue a writ, order or direction in the nature of certiorari quashing the auction purchase dated 25.03.2026 in respect of the property mortgaged against the Cash Credit Account No.24490510000670 and situated at Tehsil and District Champawat in the name of Mr. Mukesh Chandra Pandey (petitioner herein), S/o Late Harish Chandra Pandey earmarked as Plot No.Khet No.3030 min. Measuring 16 muthi/01 nali/200 square metres, Village Punethi and further directing the respondent Bank to positively consider the proposal of the petitioner in good faith in the light of this Hon'ble Court's order dated 18.09.2025 and Representation of petitioner dated 20.09.2025 (Annexure No.3) (page 20-35) in compliance thereof.”

2. The case of the petitioner is that he received a notice dated 26.05.2025 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the SARFAESI Act, 2002”)



from respondent no.1, whereby a demand was raised to pay a sum of Rs. 9,32,026.57/- inclusive of interest up to 12.04.2025 in respect of Cash Credit Account No. 24490510000670.

Petitioner requested a period of six months to repay the loan by selling the mortgaged land in the open market in order to secure a better price than what might be realized through auction. The Bank rejected this request, stating that proceedings under the SARFAESI Act had already been initiated and, therefore, extension of time was not possible. However, it indicated that the proposal could be considered if all dues were cleared. Petitioner again expressed his willingness to repay the entire outstanding amount, provided he was allowed to sell the property independently. The Bank, however, reiterated its earlier stand and did not grant the requested relief.

3. Thereafter, in August 2025, the petitioner was provided with a valuation report dated 22.06.2025, prepared by the respondent-Bank through its empanelled valuer. The report assessed the property at the circle rate of Rs. 1700 per sq. m. Petitioner contends that the property was undervalued for the purpose of auction, resulting in financial loss and leaving outstanding liabilities.

4. Learned counsel for the petitioner submits that the petitioner unequivocally intends to clear both his secured and unsecured debts and to finally close the accounts by independently disposing of the mortgaged plot of land in the open market. He further



submits that there is no reason to believe that the value of the property would have decreased in the area since February 2023. On the contrary, a Government Circular dated 06.10.2025 indicates that the circle rate of the area in which the property is situated has increased from Rs. 2600 per sq. m. in 2023 to Rs. 3900 per sq. m.

5. Per contra, learned counsel for the respondents submits that the Bank has strictly acted in accordance with the provisions of the SARFAESI Act, 2002 after the petitioner failed to discharge his admitted liabilities within the stipulated time. He further submits that the notice under Section 13(2) was duly served upon the petitioner, calling upon him to clear the outstanding dues, but despite sufficient opportunity, petitioner failed to regularize the account. Consequently, the Bank was constrained to proceed further in accordance with law.

6. The principal grievance of the petitioner is not against any procedural illegality in the measures adopted by the Bank, but rather against the refusal of the Bank to grant additional time to enable him to privately sell the mortgaged property. However, it is well settled that once proceedings under the SARFAESI Act have been set in motion, the secured creditor is under no legal obligation to defer recovery actions merely on the borrower's request, particularly when the borrower has already defaulted and failed to comply with the statutory notice.

7. This Court, in exercise of its jurisdiction



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under Article 226 of the Constitution of India, does not sit in appeal over commercial decisions of financial institutions taken in accordance with law, unless there is a clear violation of statutory provisions or principles of natural justice, neither of which has been demonstrated in the present case.

8. It is informed by respondent-Bank that the secured assets have now been already auctioned and it would not be proper at this stage to put the clock back.

9. Accordingly, the writ petition is dismissed *in-limine*.

10. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)

24.04.2026

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