



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1779 of 2026

Nepal Pruseth

....

Petitioner

Mr. Gourav Mohanty, Advocate

-versus-

Bank Of Baroda & Ors.

....

Opp. Parties

Mr. Bibhuti Bhusan Swain, Advocate

For the Bank

CORAM:

JUSTICE KRISHNA SHRIPAD DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

23.03.2026

Order No.

03.

Challenge is to the coercive action of recovery constituted under the provisions of the SARFAESI Act, 2002.

2. Mr. Mohanty, learned counsel for the Petitioner draws our attention to the interim order granted on 19.01.2026, which reads as under:

In the above circumstances, the application in I.A. No.1259 of 2026 having been favoured, we make the following interim order:

(i) The scheduled auction shall go on as scheduled; however, the same shall not be confirmed until further orders of this Court.

(ii) The benefit of this interim protection shall be available to the Petitioner, if he deposits a sum of Rs.10 lakh with OP-Bank of Baroda in two equalized installments, reckoned from this day, failing which, not only interim protection withers away but petition also runs risk of dismissal on that ground itself. The said amount may be credited to a no-lien account in accordance with the normative process of the banking.

3. After service of notice, the Panel Counsel appears for the Opposite Parties and submits that in terms of the interim order



dated 19.01.2026, auction has been held and that sale has not been confirmed. He does not dispute version of the Petitioner that he has already deposited a sum of Rs.10,00,000/- (Rupees Ten Lakh) only, as conditioned in the interim order. The said interim order interdicted confirmation of auction, should it take place as scheduled.

The Panel Counsel fairly submits and with this, learned counsel for the Petitioner fairly agrees and we also share the same view that in S.A. No. 23 of 2025 filed by the Petitioner's wife, all the contentions taken up in the petition can be urged by filing an appropriate application for amendment and till the said S.A. is heard and disposed off on merits, the interim order granted by us shall continue. They also tell us that all contentions of the party should be kept open for being considered by the DRT. We agree.

Ordered accordingly and Writ Petition is disposed off. The said S.A. to be heard and decided within an outer limit of three months.

It is open to the Petitioner to seek impleadment of the auction buyers of the subject property in the fitness of things. In that connection, the Bank shall furnish the names of the auction buyers to the Petitioner on a war footing.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge