



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). NO.10526 OF 2025

Kanhaiya Saraf

....

Petitioner

Mr. Kalpataru Khuntia, Advocate

-versus-

Ld. Presiding Officer, Debts

....

Opp. Parties

Recovery Tribunal, Cuttack & others

Mr. Girish Kumar Sundarroy, Advocate

on behalf of Mr. Tuna Sahu, Advocate

(For O.P. No.4)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE ANANDA CHANDRA BEHERA

ORDER

25.04.2025

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Petitioner in this Writ Petition prays for a direction for early disposal of SA No.44 of 2022 pending before the Debts Recovery Tribunal, Cuttack.
3. Mr. Khuntia, learned counsel for the Petitioner submits that the Opposite Party No.4 has filed an application under Section 17(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity SARFAESI Act) assailing action taken by the Bank under Section 13 of the said Act. The SA was last posted on 17th April, 2025, but the same has been adjourned to 5th May, 2025. Since the Petitioner is the auction purchaser, he is facing immense difficulties as he has invested a huge amount to purchase the property. He further, drew attention to the provision under Section 17(5) of the SARFAESI Act and submits that an application under Section 17(1) of the SARFAESI Act should be disposed of within 60 days from the date of receipt of such application. Although the matter is posted to



different dates for hearing but for some reason or other, the same is being adjourned. He, therefore, finding no other alternative, filed in this Writ Petition for the aforesaid relief.

4. Mr. Sundarroy, learned counsel being authorized by Mr. Tuna Sahu, learned Counsel, submits that they have instruction to appear on behalf of Opposite Party No.4, the applicant in SA No.44 of 2022. It is his submission that the matter was last posted to 17th April, 2025 and on the prayer to learned counsel for the Parties, the same was adjourned and is posted to 5th May, 2025 for hearing. He, however, submits that he has no objection if a direction is made for early disposal of the SA.

5. Considering the submissions made by learned counsel for the Parties and without expressing any opinion of the merit of the case of either of the Parties, this Court disposes of the Writ Petition with a direction that learned Debts Recovery Tribunal, Cuttack shall do well to take up SA No.44 of 2022 on the date fixed and make an endeavor for disposal of the same on the very same day. If for any reason, the matter cannot be disposed of on the date fixed, learned Tribunal shall fix another date within a period of 15 days therefrom and dispose of the SA No.44 of 2022 providing opportunity of hearing to the Parties concerned. It is made clear that the parties shall cooperate with learned Tribunal for early disposal of SA No.44 of 2022.

Urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

(A.C. Behera)
Judge

Signature Not Verified

Digitally Signed
Signed by: SIPRA MUDULI
Reason: Authentication
Location: High Court of Orissa,
Cuttack
Date: 25-Apr-2025 16:46:01