



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18128 of 2026

1. M/s. K.C. Agency
2. Krushna Chandra Jena **Petitioners**
Mr. Prafulla Chandra Das, Advocate
-versus-

1. Union Bank of India,
represented through the Branch
Manager-cum-Authorised
Officer, Mahanadi Vihar
Branch, District-Cuttack
2. The Branch Manager, Union
Bank of India, Mahandi Vihar
Branch, District-Cuttack **Opp. Parties**
Mr. Tuna Sahu, Advocate
(For Bank)

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO
HON'BLE MR. JUSTICE V. NARASINGH

ORDER

Order No.

12.06.2026
W.P.(C) No. 18128 of 2026
&
I.A. No. 10697 of 2026
(Through virtual mode)

01.

1. The Petitioners herein assail the E-auction Sale Notice dated 12.05.2026 at Annexure-1 issued by the Authorized Officer, Union Bank of India in terms of SARFAESI Act, 2002 read with proviso to Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, inter alia, on the ground that notwithstanding the willingness of the Petitioners to avail settlement by way of One Time Settlement (OTS) scheme of



the Bank, such opportunity is not extended, on extraneous considerations.

2. Mr. Tuna Sahu, learned counsel has instructions to appear on behalf of Opposite Parties-Bank. He undertakes to file Vakalatnama in course of the day. He submits on instructions that such a motion for OTS was never made on behalf of the Petitioners. His further submission is that the Petitioners have efficacious alternative remedy and since E-auction Sale Notice has been issued on 12.05.2026 by the Authorised Officer, fixing the date for sale to 17.06.2026, interference of this Court at this stage is unwarranted.

3. Admittedly, the property in question is a residential one. On instruction, the learned counsel for the Petitioners submit that if an opportunity is given to make payment upfront to show their bona fide, they will deposit the same and their prayer for rephasing /settlement by way of OTS of the loan can be considered by the authorities.

4. In response thereto Mr. Tuna Sahu, learned counsel for the Opposite Parties-Bank submits that at this stage such a prayer ought not to be entertained more so since the Unit in



question against which the loan was taken is closed in the meanwhile.

5. Considering the rival submission, as an interim measure, it is directed that in the event, the Petitioners deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by 16.06.2026 which is stated to be a working day for the banks and undertake to deposit a further sum of Rs.5,00,000/- (Rupees Five Lakhs only) by 27.06.2026 along with an application for rephasing/ settlement of the loan dues, further steps in terms of the E-auction Sale Notice dated 12.05.2026 at Annexure-1 shall not be taken till the next date.

6. In the event, the Petitioners defaults in depositing the first instalment of Rs.5,00,000/- by 16.06.2026, the interim order shall stand vacated.

7. List this matter 17.06.2026.

(Savitri Ratho)
Vacation Judge

(V. Narasingh)
Vacation Judge