



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20364 of 2025

Dhiren Kumar Sahoo

.....

Petitioner(s)

*Mr. Priya Ranjan Parida,
Advocate*

-versus-

***Authorized Officer,
Punjab National Bank,
Circle Sastra Centre,
Telengapentha, Cuttack
and another***

.....

Opp. Party(s)

*Ms. Rashmi Rekha Pradhan on
behalf of Mr. Anjan Kumar Biswal,
Advocate for O.P.Nos.1 & 2 (Bank)*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE S.S. MISHRA

ORDER

25.07.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the opp. party-Bank.

The petitioner, Dhiren Kumar Sahoo has filed this writ petition challenging the E-Auction sale notice under Annexure-1 dated 08.07.2025 issued by the opposite parties.

In case of **PHR Invent Educational Society -Vrs.-**



UCO Bank and others reported in (2024) 6 Supreme Court Cases 579 so also in the case of **CELIR LLP -Vrs.- Bafna Motors (Mumbai) Private Limited and others reported in (2024) 2 Supreme Court Cases 1**, it has been held that the High Court should not entertain the writ jurisdiction under Article 226 of the Constitution when alternative remedy is available under section 17 of the SARFAESI Act.

In the case of **Bafna Motors** (supra), the Hon'ble Supreme Court has held as follows:

"110.3. In accordance with the unamended Section 13(8) of the SARFAESI Act, the right of the borrower to redeem the secured asset was available till the sale or transfer of such secured asset. In other words, the borrower's right of redemption did not stand terminated on the date of the auction-sale of the secured asset itself and remained alive till the transfer was completed in favour of the auction-purchaser, by registration of the sale certificate and delivery of possession of the secured asset. However, the amended provisions of Section 13(8) of the SARFAESI Act, make it clear that the right of the borrower to redeem the secured asset stands extinguished thereunder on the very date of publication of the notice for public auction under Rule 9(1) of the 2002 Rules. In effect, the right of redemption available to the borrower under the present statutory regime is drastically curtailed and would be available only till the date of publication of the notice under Rule 9(1) of the 2002 Rules and not till the completion of the sale or transfer of the



secured asset in favour of the auction-purchaser.”

After hearing learned counsel for the respective parties and taking into account the ratio laid down in the case of **Bafna Motors** (supra), we are not inclined to entertain the writ petition. However, the petitioner is at liberty to pursue appropriate remedy available under the law.

Accordingly, the writ petition stand dismissed.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Swarna/Ashok

Signature Not Verified

Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 28-Jul-2025 14:09:43

