



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21884 of 2025

Pradipta Kumar Rout* *Petitioner

*Mr. Prafulla Kumar Rath,
Senior Advocate*

-versus-

Bank of India, Jayadev Vihar, Bhubaneswar and another* *Opp. Parties

*Mr. Budhadev Routray,
Senior Advocate
Mr. S.R. Mishra, (Caveator)*

CORAM:

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

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

Order No.

**ORDER
20.08.2025**

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

Heard Mr. Prafulla Kumar Rath, learned Senior Advocate appearing for the petitioner and Mr. Budhadev Routray, learned Senior Advocate appearing for the opposite parties.

This writ petition has been filed by the petitioner Pradipta Kumar Rout with a prayer to direct the opposite parties in fixing a settlement amount and allowing him to pay the settlement amount in six



equal monthly installments.

An interim application has been filed by the Bank today, wherein it is indicated that the statement that was made by the Bank on 18.08.2025 before this Court that sale certificate has been issued to the highest bidder is not a correct statement and an affidavit has been filed by the Bank that the highest bidder is one Bikram Rout, son of Bibhuti Bhusan Rout, Address- Plot No.HIG-208, Chandrasekharapur, Tulsi Vihar, Bhubaneswar and the auction purchaser has deposited 25% of the deposit amount and for the balance 75% amount, the date has been fixed to 26.08.2025. On that day, the sale certificate will be issued in favour of the auction purchaser.

Mr. Rath, learned Senior Advocate appearing for the petitioner submitted that the petitioner is ready and willing to deposit the entire amount of Rs.4.31 crores by way of installments at first depositing the 25% like the auction purchaser and the balance amount also.

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."

Since alternative and efficacious remedy is available to the petitioner, he is permitted to withdraw



the writ petition not only to avail such remedy but also to approach the Bank for negotiation. Accordingly, the writ petition is disposed of. If any such approach is made by the petitioner before the Bank, it is open to the Bank to consider the same before 26.08.2025 in accordance with law.

In the event of non-settlement, the petitioner is also at liberty to resort the remedy in accordance with law by filing the appropriate application before the DRT.

Accordingly, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

RKM

Signature Not Verified

Digitally Signed
Signed by: RABINDRA KUMAR MISHRA
Designation: Personal Assistant
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 21-Aug-2025 18:02:55

