



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17602 of 2026

Debabrata Das

....

Petitioner

Mr. K. Gaya, Advocate

-versus-

***1. The Zonal Manager, Regional
Office, Bank of India, BBSR,
Khordha***

***2. The Chief Manager-Cum-
Authorised officer, Ranihat Branch,
Bank of India, Cuttack***

....

Opp. Parties

Mr. G. Kar, Advocate

CORAM:

**THE HON'BLE MISS JUSTICE SAVITRI RATHO
AND
THE HON'BLE MR JUSTICE V. NARASINGH**

ORDER

12.06.2026

Order No.

(Through Virtual Mode)

- 02.
1. Heard Mr. Gaya, learned counsel for the Petitioner and Mr. Kar, learned counsel for the Opposite Parties-Bank.
 2. The present writ application has been filed challenging the notice at Annexure-4 dated 28.05.2026 for handing over the peaceful vacant possession of the property in question consequential to the notices under Section 13(2) & 13(4) of the SARFAESI Act, 2002 in respect of the loans taken by the Petitioner and his brother.



3. It is the submission of the learned counsel, Mr. Gaya, that the cash credit loan was availed by the Petitioner's brother and the Petitioner was the loanee in respect of the home loan.

4. As ill luck would have it, the brother of the Petitioner was detected to be suffering from cancer for which, the accounts were rendered as NPA and referring to the financial constraints, on account of the illness of his brother, the Petitioner seeks indulgence of this Court for rephasing of the loans so as to enable him to settle the dues of the Bank.

5. Mr. Kar, learned counsel for the Opposite Parties-Bank on the other hand, on instructions, submits that the account has been declared as an NPA since 2021, much before the Petitioner's brother suffered from the deadly disease and hence, that cannot be a ground to be considered and in fact since possession notice have already been issued, the matter ought not to be entertained by this Court.

6. Taking into account the rival submissions and balancing equity inter se between the parties, this Court is persuaded to direct that in the event the Petitioner deposits a sum of Rs.5,00,000/- (Rupees Five Lakhs) by 04.07.2026 towards the overdue amount of Rs.9,00,000/- (Rupees Nine Lakhs), till 10.06.2026 as per the instruction received by the learned counsel for the Bank, Mr. Kar, and makes an application for rephasing the same shall be considered by the Bank.

7. This Court has no iota of doubt that taking into account the difficulties as expressed by the learned counsel for the Petitioner and noted herein above, the Bank will consider the same sympathetically and fix a time line which would enable the



Petitioner to pay the balance overdue amount and seek rephasement. Decision so taken shall be communicated to the Petitioner.

For a period of four weeks of such decision, no coercive action in terms of the demand notice at Annexure-4 shall be taken against the Petitioner.

8. In the event the Petitioner does not pay the amount of Rs.5,00,000/- by 04.07.2026, it shall be open for the Bank to proceed in accordance with law.

9. Accordingly, the Writ petition along with pending I.As stand disposed of.

(Savitri Ratho)
Vacation Judge

(V. Narasingh)
Vacation Judge

Santoshi/Ayesha