



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24523 of 2026

CNR ODHC010563872026

Abhisek Agrawal

....

Petitioner

Ms. Sanjibani Mishra, Advocate
on behalf of Mr. Kousik Ananda Guru, Advocate

-versus-

***Authorized Officer, Punjab National
Bank, Sambalpur***

....

Opp. Party

Mr. Durga Prasad Pattnaik, Advocate

CORAM:

JUSTICE KRUSHNARAM MOHAPATRA

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

12.08.2026

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Vakalatanama of Mr. Durga Prasad Pattnaik, learned counsel for the Opposite Party filed in Court is taken on record.
 3. A copy of the writ petition shall be served on Mr. Pattnaik, learned counsel for the Opposite Party-Bank
 4. Petitioner in this writ petition seeks for a direction to set aside the notice dated 7th July, 2026 (Annexure-8) issued by the Punjab National Bank requesting the Petitioner to handover peaceful possession of the secured asset.
 5. Ms. Mishra, learned counsel being authorized by Mr. Guru, learned counsel for the Petitioner submits that the Petitioner being the borrower from Punjab National Bank has put the secured asset as surety against the loan. For non-payment of instalments, notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and



Enforcement of Security Interest Act, 2002 (for brevity 'the SARFAESI Act, 2002') was issued on 18th May, 2025 under Annexure-1 by the Punjab National Bank. Subsequently, notice under Section 13 (4) of the SARFAESI Act, 2002 was issued and possession of the secured asset was symbolically taken over.

5.1 Assailing the auction process, the Petitioner has filed an application under Section 17 of the SARFAESI Act, 2002 before the Debts Recovery Tribunal, Odisha, Kataka (for brevity the Tribunal) being S.A. No.25 of 2026 under Annexure-6. Although Punjab National Bank has already entered appearance before the Tribunal, but is taking repeated adjournments in the matter. Without participating in the proceeding under Section 17 of the SARFAESI Act, 2002, the Bank put the property to auction and issued impugned notice under Annexure-8 has been issued to handover peaceful possession of secured asset to the Bank.

5.2 The Petitioner has also filed I.A. No.1334 of 2026 in S.A. No.25 of 2026 for interim order. The same is not being taken up by the Tribunal. As such, the Petitioner has become remediless to protect his secured asset. Hence, finding no other alternative, the Petitioner has filed this writ petition for the aforesaid relief.

6. Mr. Pattnaik, learned counsel for the Opposite Party-Bank submits that he has instruction to appear on behalf of Punjab National Bank. It is his submission that a recovery proceeding is pending against the Petitioner-Borrower before the Tribunal being O.A. No.296 of 2026. The Petitioner has



filed a proceeding under Section 17 of the SARFAESI Act, 2002. The Bank has proceeded with the auction following due procedure of law. In the meantime, sale certificate has already been issued in favour of the successful bidder. Thus, notice under Annexure-8 has been issued to handover peaceful possession of the secured asset to the Bank.

7. Heard learned counsel for the parties. From the submission made by learned counsel for the parties, this Court finds that during pendency of the proceeding under Section 17 of the SARFAESI Act, 2002 filed by the Petitioner before the Tribunal, the auction of the secured asset had taken place. It is also not disputed by Mr. Pattnaik, learned counsel for the Bank that repeated adjournments are being taken by the Bank in the proceeding under Section 17 of the SARFAESI Act, 2002.

7.1 We don't appreciate such approach of the Bank in putting the property to auction in one hand during pendency of the S.A. and on the other hand, not participating in the proceeding under Section 17 of the SARFAESI Act, 2002 and taking adjournments in the proceeding (S.A. No.25 of 2026). However, Ms. Mishra, learned counsel for the Petitioner submits that an interim application filed by the Petitioner is pending before the Tribunal in S.A. No.25 of 2026.

8. In view of the above, this Court without further delving into the merit of the case of either parties, disposes of the writ petition with a direction that the Tribunal shall take up the I.A. as expeditiously as possible, preferably by 31st August, 2026 providing opportunity of hearing to the parties concerned. It is made clear that no prayer for adjournment at the instance any



of the parties shall be entertained by the Tribunal while entertaining I.A. No.1334 of 2026 on merit. The learned Tribunal is free to take up the O.A. as well as S.A.

9. Till disposal of I.A. No.1334 of 2026 arising out of S.A. No.25 of 2026, no coercive measure pursuant to Annexure-8, shall be taken by the Bank.

10. Accordingly, the writ petition is disposed of.

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

(K.R. Mohapatra)
Judge

(Mruganka Sekhar Sahoo)
Judge

Sashikant