

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.382 of 2013

Sanjukta Nayak

....

Petitioner

None

-versus-

***The Managing Director,
Odisha State Financial
Corporation, OMP Square,
Cuttack and another***

....

Opp. Parties

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

23.03.2022

Order No.

- 05.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner was extended the benefit of settlement order dated 18th September, 2006 (Annexure-5) under the OTS-2.50 lakhs Scheme, whereby the entire liability was settled by the OSFC for a sum of Rs.1,80,000/- subject to certain conditions, with the entire amount to be paid on or before 17th March, 2007. The petitioner claims to have paid the entire amount as per the aforesaid sanctioned OTS. However, she has filed the present writ petition challenging the notice dated 11th December, 2012 issued by the opposite parties recalling the entire liability of Rs.19,33,580/- under

Section 30 of the State Financial Corporation Act, 1951.

3. This Court while issuing notice vide order dated 04th February, 2013 passed an interim order in favour of the petitioner in Misc. Case No.328 of 2013 which reads as under:

“Heard.

Issue Notice as above.

Accept one set of process fee.

As an interim measure, this Court directs the opposite parties not to take any coercive action against the petitioner till 10.3.2013, subject to the petitioner depositing a sum of Rs.1,90,000/- (rupees one lakh ninety thousand) before the Registrar (Judicial) of this Court in shape of Account Payee Cheque/Demand Draft in two equal instalments, the 1st one of which be deposited on or before 28.2.2013 and the 2nd on or before 21.3.2013. In the event such deposit is made, the Registrar (Judl.) shall encash the same and keep the same in a short term deposit.”

As per office report, the summons to the opposite parties could not be issued for non-deposit of the requisites.

4. In view of the above, we find that more than eight years have lapsed and no effort has been made by the petitioner to deposit the requisites or the process fee for service of the Opposite parties. She has also made

no effort to get the case listed so as to ensure of proper adjudication.

5. Faced with such a situation, we are constrained to dismiss the writ petition.

6. Registry is directed to verify the compliance of the aforesaid interim order dated 04th February, 2013 and in case the amount stands deposited, the same shall be refunded on an application made either by the petitioner or OSFC upon proper verification.

Registry is directed to communicate this order to the parties.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

March 23rd, 2022
Cuttack

