IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.8011 of 2013

Sri Brijesh Pradhan .... ***Petitioner***

None

-versus-

Authorised Officer, U.CO Bank Zonal Office & Others .... ***Opposite Parties***

Mr. Soumendra Ku. Ghosh,
Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **17.05.2022**

04. **1.** This matter is taken up by virtual/physical mode.

2. This writ petition has been filed challenging the notice issued by the Opposite Party No.1-Bank under Section 13(4) of the SARFAESI Act, with a prayer to settle the loan account of the Petitioner under the OTS scheme.

3. The Petitioner is a defaulting borrower of Cash Credit limit of Rs.6.00 lakhs availed on 24th October, 2008 from the U.C.O. Bank, Paik Tigiria Branch, Khordha for running his business. Due to financial indiscipline, the loan account was classified as NPA on 31st March, 2012 leading to issuance of notice U/s 13(2) of the SARFAESI Act, 2002 on 30th May, 2012 recalling amount of around Rs.6,17,919.63 including interest due as on 31st December,

2011. Subsequently, the symbolic possession was assumed by issuance of notice U/s 13(4) of the SARFAESI Act, 2002 on 22nd February, 2013 and E-auction sale notice was issued on 23rd April, 2013.

4. When the matter is taken up today, none appears for the Petitioner. However Mr. S.K. Ghosh, Advocate for Bank submitted that the amount of loan being liquidated, the account has been closed.

5. In such view of the matter, no cause of action survives.

6. Accordingly, the writ petition is dismissed as infructuous.

Consequently, Interim order dated 12.04.2013 stands vacated.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant May 17th, 2022
Cuttack