

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20206 of 2014

Anupama Mohanty

Petitioner

Mr. Sushanta Kumar Mohapatra, Proxy Counsel,
on behalf of Mr. Debaranjan Mohapatra, Advocate

-versus-

***Regional Manager, United
Bank of India,
Bhubaneswar & Another***

Opposite Parties

None

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO**

**ORDER (Oral)
24.11.2022
(Hybrid Mode)**

Order No.

- 11.** **1.** Petitioner is a Proprietor of M/s. Sai Stone Crusher which had availed a Cash Credit facility to the tune of Rs.20 lakhs from United Bank of India, Chandikhole Branch, District-Jajpur, in the year 2011. Due to non-servicing of the said account, it was classified as NPA on 31.03.2013 leading to issuance of a demand notice dated 21.05.2013 under Section 13(2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) recalling the outstanding liability of around Rs.21.50 lakhs with interest and incidental charges. Subsequently the symbolic possession of the immovable property offered as a collateral security was also assumed vide notice dated 31.08.2013 under Section 13(4) of the Act, 2002.

2. The prayer in the instant writ petition is for directing the Bank to settle the outstanding liabilities under an OTS Scheme, however without making any reference to any prevailing OTS Scheme.

3. This Court while issuing notice vide order dated 27.10.2014 had granted interim protection by passing of the following order:

“Misc. Case No.17683 of 2014

No coercive action shall be taken against the petitioner so far as it relates to putting her property to auction till next listing of the case subject to petitioner depositing a sum of Rs.2.00 lakh (rupees two lakh) within a period of six weeks hence before the opposite party-Bank. Needless to mention, neither any third party interest shall be created by the petitioner in respect of the property in question nor there shall be any change to the nature and character of the property in question in the meantime.”

It is come on record vide I.A. No.12964 of 2019 moved by the Bank informing that the petitioner has only deposited a sum of Rs.41,000/- instead of the directed Rs.2 lakhs.

4. At the time of resumed hearing today, learned counsel for the petitioner has filed a Memo dated 24.11.2022 in Court and prays for permission to withdraw the writ petition. The Memo be kept on record.

5. In view of the Memo filed, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

24th November, 2022
Cuttack

