

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.217 of 2022

Sai Minerals

....

Petitioner

Mr. Bhabani Sankar Tripathy-1, Advocate

-versus-

***Union Bank, Asset Recovery
Branch, Bhubaneswar***

....

Opp. Party

Mr. Bhaskar Chandra Panda,
Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

22.04.2022

Order No.

- 03.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner is a defaulter borrower of a Cash Credit facility availed for a sum of Rs.95,00,000/- from Union Bank, Khandagiri Branch, Bhubaneswar sanctioned on 04.06.2018. Due to financial indiscipline, the account was declared NPA on 29.6.2019. Thereafter the recovery process was initiated by issuance of a demand notice dated 01.08.2019 under Section 13 (2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) recalling the outstanding liability of Rs.1,01,42,741/- due as on that date. Symbolic possession of the secured assets was assumed on 23/25.10.2019 under Section 13 (4) of the Act. It transpires that vide sanction letter dated 20.09.2021 (Annexure-5) the OTS proposal of the

petitioner for settlement of the entire liability for a sum of Rs.70,00,000/- to be paid by way of installments was accepted. In terms of the sanctioned OTS, the petitioner was required to deposit 10% of the settlement amount, i.e., Rs.7,00,000/- as application money, whereas the remaining 90% of the balance amount of Rs.63,00,000/- was to be paid within three months from the date of communication of the sanction under the Scheme, failing which the OTS was deemed to be cancelled.

3. It is a case of the petitioner that apart from the application money of Rs.7,00,000/-, he could only deposit a sum of Rs.14,10,000/- within the stipulated three months, i.e., by December, 2021. Hence, the present writ petition has been filed seeking extension of time for depositing the remaining balance.

4. This Court while hearing the matter on 16.02.2022 acknowledged the stand of the Bank for permitting the remaining balance in terms of the sanctioned OTS provided the same was deposited within one month from 16.02.2022 along with interest on such delayed payment.

5. At the time of hearing today, learned counsel for the petitioner submits that his client unfortunately was/is unable to avail the benefit of the aforesaid concession offered by the Bank. Faced with such

situation, it is left with no option but to seek the permission of the Court, upon instructions from his client, to withdraw the writ petition in order to avail the remedy, if any, before the DRT.

6. The writ petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

AKK

April 22nd, 2022
Cuttack

