IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.505 of 2022

Anjan Kumar Sahu .... ***Petitioner***

None

-versus-

Authorized Officer, Odisha Gramya Bank & Another .... ***Opposite Parties***

Mr. Tuna Sahu, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
30.06.2022

Order No.

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

2. The Petitioner, Sri Anjan Kumar Sahu, proprietor of M/s. Swatishree Sanitary, defaulting borrower, availed a cash credit limit facility for running the business in sanitary & hardware goods to the tune of Rs.5.00 lakhs from the Odisha Gramya Bank, Danagadi in the district of Jajpur. Due to financial indiscipline, the loan account has been classified as NPA on 31st March, 2015. Consequently, demand notice dated 24th February, 2021 under Section 13(2) of the SARFESI Act recalling an amount of Rs. 6,13,630/- as on 24th February, 2021 was issued.

3. Non-compliance of terms of said notice dated 24th February, 2021 led to assumption of symbolic possession by issuance of notice dated 3rd February, 2022 under section 13(4) of the SARFAESI Act, which is under challenge before this Court.

4. That vide order dated 25th February, 2022, this Court observed as follows:-

> **"xxx xxx xxx**
>
> 4. It is conceded that as on today i.e. on 25th Februrary, 2022, the outstanding amount is at Rs.6,14,000/- in Cash Credit loan account declared NPA on 31st March, 2015.
>
> Mr. Mohanty, counsel for the Petitioner states that his client is prepared to deposit 50% upfront and the remaining balance within next two months. It is not in dispute as of now only symbolic possession of the mortaged property has been assumed on 3rd February, 2022.
>
> 5. Issue notice for 16th March, 2022"

5. On 16th March, 2022, when the matter was taken up, none appeared for the Petitioner. However, counsel for the Bank conceded that the Petitioner had already deposited a sum of Rs. 3.00 lakhs and pointed out that the Petitioner did not file undertaking in terms of order dated 25th February, 2022. Accordingly, the matter stood posted to 20th April, 2022 on which date, also none appeared for the Petitioner; so also for the Bank.

On 21st June, 2022, none appeared for the Petitioner and the following order was passed:-

> "2. List the matter on next Thursday (30th June, 2022) as none represents the Petitioner despite that defects or none compliance has been shown in the cause list. If on the next date there is no representation, the Court would deem that the Petitioner is not inclined to remove the

defects or to comply the earlier orders passed by this Court."

6. So, when the matter is taken up today, Mr. Tuna Sahu, counsel for the Bank submits that no undertaking is forthcoming from the side of the Petitioner in compliance of order dated 16th March, 2022 nor is any further deposit made. It is also noticed that today is the fourth consecutive date when none has put an appearance on behalf of the Petitioner before this Court.

7. Faced with above situation, it is deemed that the Petitioner is not interested to pursue the matter any further.

8. The writ petition is, accordingly, dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks June 30, 2022 Cuttack