

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9536 of 2013

Bikash Ranjan Pattnaik

....

Petitioner

None

-versus-

***UCO Bank, Puri Branch, Puri
and Others***

....

Opp. Parties

Mr. Chittaranjan Swain, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

30.03.2022

Order No.

- 15.** **1.** This matter is taken up through virtual/physical mode.
- 2.** The petitioner- Bikash Ranjan Pattnaik who is the proprietor of M/s. Mamata Enterprises engaged in the business of selling Mobile hand sets of various companies. The proprietorship concerned has availed a Cash Credit loan of Rs.5 lakhs on 04th March, 2003 from UCO Bank, Puri Branch, Dist-Puri. Due to lack of financial discipline, the account was declared NPA on 31st March, 2010. A demand notice dated 22nd April, 2010 was issued under Section 13(2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) seeking to recall an outstanding liability of Rs.6,28,397/- plus interest due as on 1st April, 2010. Subsequently, symbolic possession of the mortgaged residential house of the guarantor i.e. the parents of

the petitioner was assumed on 17th November, 2012. The mortgaged residential house was put to auction sale on 21st March, 2013, which failed for want of any bidder.

3. By filing the present writ petition, the petitioner has laid challenge to the demand notice dated 22nd April, 2010 and the symbolic possession dated 17th November, 2012 issued under Sections 13(2) & 13(4) of the Act, 2002 respectively. On perusal of the previous order reveals that none is appearing on behalf of the learned counsel for the petitioner.

4. Learned counsel for the Bank submits that no legal basis have been laid down for laying challenge to both the aforesaid notices, and as regard challenge to the auction notice, the prayer is infructuous. In view of the auction is fixed for 21.03.2013 having failed, he further states that after adjusting the amount of Rs.2,88,000/- deposited by the petitioner after the account had been declared NPA, still an amount of Rs.10,73,109.76 are due as on February, 2022.

5. After perusing the pleadings and hearing of the learned counsel for the Bank, we find that no legal basis for maintaining the challenge to the aforesaid two notices has been laid in the petition, which may require any consideration. Still further, keeping in view the outstanding liabilities in the backdrop of the

Scheme of the Act, 2002, we find no grounds to pursue with the present writ petition.

6. In view of the above, the writ petition is dismissed.

**(Jaswant Singh)
Judge**

**(M. S. Raman)
Judge**

Basudev

March 30th, 2022
Cuttack

