

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.930 of 2022

Sudhir Kumar Panda **Petitioner**
Mr. Biswajit Nayak, Advocate

-versus-

**Authorized Officer-cum-Chief
Manager, Punjab National
Bank, Sastra Division Circle
Office, Balasore**

.... **Opp. Party**
Mr. Santanu Kumar Sarangi, Senior Advocate
with Ms. Nikita Das, Advocate

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

ORDER (Oral)
14.11.2022
(Hybrid Mode)

Order No.

- 10.** **1.** Petitioner along with his wife Rashmi Rekha Panda had availed an Over Draft facility for a sum of Rs.40,00,000/- from Punjab National Bank, Madhapur Branch, Keonjhar on 06.04.2016 against a collateral security, i.e., immovable property recorded in the name of the co-borrower-wife. It transpires that apart from the aforesaid Over Draft limit account, the petitioner and his wife have availed five other loans from the said Bank.
- 2.** In the present writ petition, challenge has been laid to the auction of the collateral security fixed for 31.01.2022 towards recovery of the outstanding

liabilities since all the loan accounts have been classified as NPA.

3. During the proceedings of this Court in the instant petition, the petitioner was permitted to deposit certain amounts and as on today it is conceded that a sum of Rs.38,19,000/- stands paid towards meeting the outstanding liabilities in the aforesaid Over Draft limit account. The above recourse was permitted on the mercy plea of the petitioner to save the residential property offered as a collateral security in the aforesaid account only by clearing the outstanding liabilities.

4. The dispute now remains is in respect of an amount of Rs.4.55 lakhs as remaining balance towards the interest cost etc. whereas the petitioner states that he has cleared the entire outstanding liabilities.

5. Upon directions passed by this Court for justification of the outstanding liabilities, three affidavits dated 6.03.2022, 19.06.2022 and 05.11.2022 stand filed in Court with copies supplied to the counsel for the petitioner, and still the petitioner is contesting the liability of payment of the aforesaid remaining balance of Rs.4.55 lakhs, which may further increase with passage of time.

6. In view of the aforesaid disputed question of fact being raised, we refrain from exercising our writ jurisdiction.

Accordingly, the present writ petition is disposed of relegating the petitioner to seek his available remedy in accordance with law.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

14th November, 2022
Cuttack

