

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.1000 of 2022

***M/s. Om Poultry represented Petitioner
through its proprietor:
Pramod Kumar Panda,
Ganjanm***

Mr. Amitav Tripathy, Advocate
-versus-

***Chief Manager/Authorized Opp. Parties
Officer, Union Bank of
India, Regional Office,
Ganjam and another***

Mr. A. K. Mishra-2, Advocate for the Bank

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

**ORDER (Oral)
15.02.2022**

Order No.

- 02.** 1. This matter is taken up by virtual/physical mode.
2. The Petitioner is a proprietorship concern of Pramod Kumar Panda, who had raised an agricultural term loan for a sum of ₹1,40,00,000 (Rupees One Crores Forty Lakhs only) on 31.01.2016 from Union Bank of India, Gosani Naugaon, Berhmapur. Due to financial indiscipline, the loan account was declared NPA on 31.03.2021. Demand notice under Section 13(2) of the SARFAESI Act, 2002 (in short the 'Act, 2002') was issued on 06.04.2021 recalling the outstanding amount of ₹71,84,831.09 due as on 31.03.2021.

Symbolic possession under Section 13(4) of the Act, 2002 was assumed on 23.09.2021. The sale notice dated 20.12.2021 was issued fixing the auction of mortgaged property for 20.01.2022.

3. By filing the present petition, challenge is being laid to the aforesaid auction as also prayer is made for directing the Bank to settle the loan account under OTS scheme.

4. Counsel for the Bank states that the auction fixed for 20.01.2022 has failed due to lack of any bidder and there is no prevailing OTS policy under which an amicable settlement could be effected.

5. At the time of hearing Mr. Amitav Tripathy, counsel for the Petitioner prays for an unconditional withdrawal of the writ petition.

6. In view of the above, the writ petition is disposed of as withdrawn.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

February 15th 2022
Cuttack