

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 1476 of 2022

Ajit Kumar Beuray

....

Petitioner

Mr. Himadri Sekhar Sarangi, Advocate on
behalf of Mr. Gouri Mohan Rath, Advocate

-versus-

Union Bank of India & Another

....

Opposite Parties

Mr. Manoj Kumar Mishra,
Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER
16.03.2022

Order No.

- 03.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** The Petitioner is defaulting borrower, who has availed cash credit as well as term loan for the purpose of his restaurant business. Due to financial indiscipline, their account was declared NPA on 31st August, 2019 and the demand notice dated on 11th September, 2019 was issued U/s 13(2) of the SARFAESI Act, 2002 recalling the outstanding liability of Rs. Rs. 37,61,537/- as on 31st August, 2019. Subsequently symbolic possession was assumed on 18th November, 2021.
 - 3.** Consequently, E-auction sale notice was issued on 16th December, 2021, fixing date of sale on 20th January, 2022, which is the subject matter of challenge in this writ petition.

4. This Court vide order dated 20th January, 2022 taking note of the contention of the counsel for the Petitioner that sale notice under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 has not been issued to the Petitioner borrower, this Court directed that issuance of sale certificate to the successful auction purchaser, if any, shall be kept in abeyance till the next date.

5. At the time of hearing today, counsel for the Petitioner states that the auction sale has failed due to lack of intending bidders, hence he seeks permission to withdraw the writ petition.

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 In view of the above, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

