

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.1622 of 2022**

**Shamsher Ahmed**

....

***Petitioner***

Mr. Ranjan Kumar Rout, Advocate

*-versus-*

***Chief Manager-cum-  
Authorized Officer, Union  
Bank of India, Regional  
Office, Cuttack and another***

....

***Opp. Parties***

Mr. Bhaskar Chandra Panda, Advocate for the Bank

**CORAM:**

**JUSTICE JASWANT SINGH**

**JUSTICE M.S. RAMAN**

**ORDER (Oral)**

**10.05.2022**

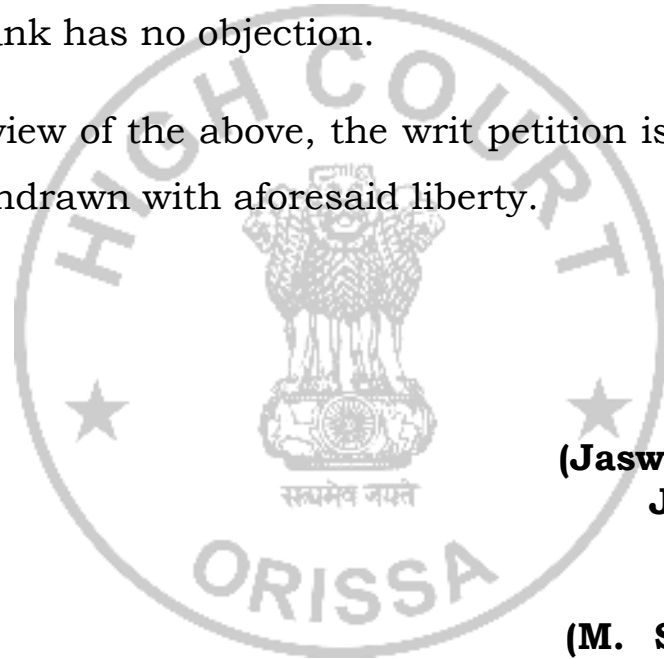
**Order No.**

- 05.**      **1.** This matter is taken up through virtual/physical mode.
- 2.** The petitioner, defaulting borrower has filed the instant writ petition challenging the E-auction notice dated 15.12.2021(Annexure-6) fixing the auction sale of mortgaged property on 20.01.2022 for recovery of the outstanding liability of Rs.34,17,846/-.
- 3.** Upon limited argument of the petitioner regarding upgrading of the two loan accounts, notice was issued to the Opposite Party/Bank. The Bank has filed a counter affidavit dated 25.02.2022, wherein it is stated that the petitioner has suppressed the fact that there are four loans of the petitioner having declared NPA instead of the stated two. It is further

stated that the petitioner has not deposited the entire amounts due in the four loan accounts for their up-gradation. He also states that the auction fixed for 20.01.2022 had failed for want of any bidders.

**4.** At this stage, learned counsel for the petitioner prays for permission to withdraw the present writ petition to pursue his remedy in the already filed Securitization Application No.65 of 2022 pending before the DRT, Cuttack to which learned counsel for the Bank has no objection.

**5.** In view of the above, the writ petition is dismissed as withdrawn with aforesaid liberty.



**(Jaswant Singh)**  
**Judge**

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

Basudev

May 10<sup>th</sup>, 2022  
Cuttack