

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 1800 of 2022

***Sri Bhaskar Chandra Das and
Others***

Petitioners

None

-versus-

***Regional Manager, Canara Bank
and Others***

Opposite Parties

Mr. Arupa Nanda Das, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER
09.03.2022

Order No.

- 04.**
1. This matter is taken up by virtual/physical mode.
 2. None appears for the Petitioner at the time of call.
 3. Heard Mr. Arupa Nanda Das, counsel for the Opposite Parties (Bank).
 4. Having availed term loans of Rs.106 lakhs and Rs. 29.21 Lakhs and cash credit of Rs. 40 lakhs, the Petitioners could not make deposit with the Bank at the appropriate point of time. Therefore, the account was declared NPA on 28.11.2017.
 5. The Bank issued notice U/s 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and consequently symbolic possession was taken on 20.04.3018. Bank has also taken steps U/s 14 by approaching District Magistrate. Upon being ordered by District Magistrate

P.T.O.

physical possession of the mortgaged property could be taken on 29.04.2021. It is stated by the counsel for the Opposite Parties (Bank) that after following due process, on 07.03.2022 the said property was sold in auction.

6. The successful bid was finalized at around Rs.97 lakhs (approximately). This Court vide order dated 27.01.2022 observed as follows:-

“Counsel for the Petitioners states that he shall seek instruction on the preparedness of the Petitioners to pay at least 50% of the total liability to the Bank before the date of auction.”

7. On 28.01.2022 when the matter was taken up, the counsel for the Petitioner expressed inability of the Petitioner to deposit the amount as directed in order dated 27.01.2022. On 22.02.2022, none appeared for the Petitioner.

8. In view of the above, the writ petition is dismissed and the Petitioner is at liberty to seek remedy as available.

(Jaswant Singh)
Judge

(M.S.Raman)
Judge