

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7011 of 2010

Gyanendra Kumar Mohanty **Petitioner**
None

-versus-

***The State Bank of India,
represented by its Chief
General Manager,
Bhubaneswar & Others***

.... **Opp. Parties**

Mr. Himanshu Patnaik, Advocate
for O.P. Nos.1 & 2

Mr. Amit Pattnaik, Advocate
for O.P. No.4/OSFC

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

**ORDER (Oral)
12.10.2022**

Order No.

05. This matter is taken up through virtual/physical mode.

1. Petitioner-Gyanendra Kumar Mohanty is one of the Directors of M/s. Sooshree Plastic Pvt. Ltd., Bhubaneswar and also executed an agreement for personal guarantee *qua* the loan amounts availed by the Private Limited Company. It transpires that due to default in payment of loan installments, State Bank of India, Ashok Nagar Branch, Bhubaneswar filed an O.A. No.107 of 2005 by impleading the petitioner as well, which culminated into passing of a final judgment and decree dated 18.04.2007. In the execution proceedings before the Recovery Officer, the orders of attachment dated 17.04.2009 and 01.06.2009 were passed by the Recovery Officer,

D.R.T. in R.P. Case No.19 of 2008, whereby *inter alia* the properties owned by the petitioner were attached.

2. The challenge in the present writ petition is to the aforesaid judgment and decree as also the orders of attachment passed by the Recovery Officer.

3. Upon notice reply has been filed on behalf of the Bank taking up the preliminary objection of alternative remedy available before the Debts Recovery Appellate Tribunal under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and before the Tribunal itself under Section 30 of the said Act against the order of the Recovery Officer.

4. At the time of hearing, learned counsel for the Bank submits that the present writ petition has become infructuous, in view of the loan account having been liquidated upon deposit of the settled amount.

5. None has come forward to refute the aforesaid factual situation.

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

(Jaswant Singh)
Judge

(M. S. Raman)
Judge