

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22810 of 2013

**M/s. Bijoy Surgicals &
Chemical, Jagatpur, Cuttack** ***Petitioner***

Mr. Arun Kumar Nayak, Proxy Counsel
on behalf of Mr. Santanu Kumar Sarangi, Sr. Advocate

-versus-

**State Bank of India and
Another** ***Opp. Parties***
None

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

**ORDER (Oral)
28.07.2022**

Order No.

- 04.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner is a defaulting borrower in three different loan facilities availed from the State Bank of India, SMECC Branch, Cuttack. A demand notice dated 29.11.2012 was issued under Section 13 (2) of the SARFAESI Act, 2002 (for short "the Act, 2002") recalling an outstanding liability of Rs.27,10,059/- in all the three loan accounts due as on 26.11.2012. Subsequently symbolic possession of the mortgaged properties was assumed vide notice dated 24.09.2013 issued under Section 13 (4) of the Act, 2002 and the request for restructuring was also rejected vide Memo dated 17.01.2013. It is the aforesaid notices of the rejection which has been challenged in the present writ petition.

3. At the time of hearing, learned counsel for the petitioner states that the present writ petition has become infructuous in view of the loan accounts having been settled.

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

**(Jaswant Singh)
Judge**

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

AKK

28th July, 2022
Cuttack

