

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2323 of 2022

**Union Bank of India and
Others**

.... Petitioners

Mr. Tuna Sahu, Advocate

-versus-

Rajendra Tosawad

.... Opp. Party

Mr. S.P. Misra, Senior Advocate
along with Ms. Ekta Agarwal, Advocate

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

06.04.2022

Order No.

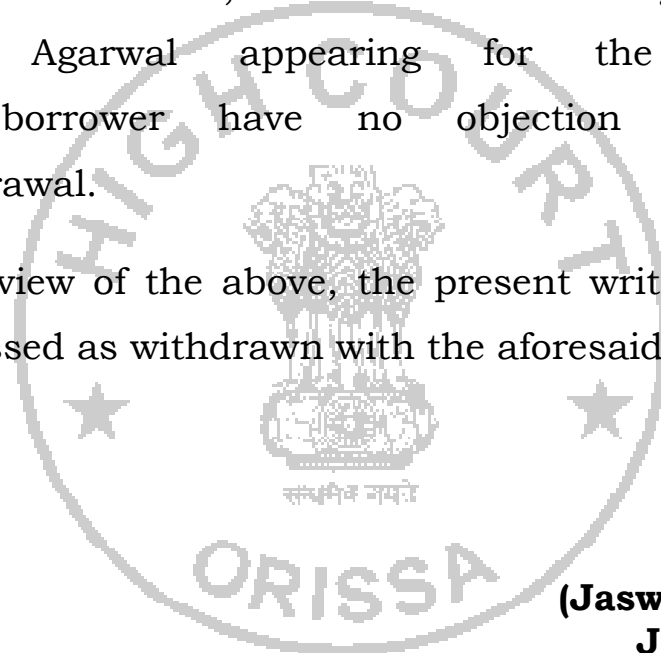
- 03.**
1. This matter is taken up through virtual/physical mode.
 2. The secured creditor is before this Court assailing the order dated 19th April, 2021 passed by the DRT, Visakhapatnam, while holding the additional charge of DRT, Cuttack, whereby in the I.A. No.398 of 2021 filed by the defaulting borrowers in their S.A. No.50 of 2021, the respondent-Bank has been directed to go ahead with the auction sale to be conducted on 19th April, 2021 but the confirmation of the sale was directed to be deferred till the disposal of the S.A.
 3. The present writ petition has been filed challenging the aforesaid order after even the modification application had been filed, which is stated to be pending, instead of going before the Debt Recovery Appellate Tribunal. It is averred that due to

non-functioning of the DRT, Cuttack the modification application has not been taken up.

4. Be that as it may, at the time of hearing, learned counsel for the petitioners prays for permission to withdraw the present writ petition in order to pursue the application filed by the petitioner/secured creditor seeking modification of aforesaid order dated 19th April, 2021.

5. Mr. S.P. Misra, Senior Advocate along with Ms. Ekta Agarwal appearing for the opposite party/borrower have no objection for such withdrawal.

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 In view of the above, the present writ petition is dismissed as withdrawn with the aforesaid liberty.



**(Jaswant Singh)
Judge**

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

Basudev

April 6th, 2022
Cuttack