

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13635 of 2013

***Vinayak Metal and
Minerals and Another***

.... Petitioners

Mr. Pitambar Acharya, Senior Advocate
with Mr. A. B. Patnaik, Advocate

-versus-

***Authorized Officer, Bank of
Baroda, Nayapalli Branch,
Bhubaneswar, District-
Khurda and Another***

.... Opp. Parties

Mr. Jagannath Bhuyan, Advocate
on behalf of Mr. K. M. H. Niamati,
Advocate for the Bank

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

**ORDER (Oral)
05.08.2022**

Order No.

- 04.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Petitioner No.1 is a partnership Firm and has through one of his partner-Sri Saroj Kumar Parida has filed the present Writ Petition assailing the Demand Notice dated 9th November, 2012 issued under Section 13(2) of the SARFAESI Act, 2002 (for short, "the Act, 2002") whereby the outstanding amount of Rs.6,21,08,169/- due as on 27th September, 2010 has been recalled on account of the Cash Credit Loan account having been classified as NPA. Further challenge is to the notice dated 18th May, 2013 (Annexure-7) issued under Section 13(4) of

the Act, 2002, whereby symbolic possession of the collateral securities has been assumed.

3. This Court while issuing notice vide order dated 27th June, 2013 had granted interim protection subject to the petitioners depositing a sum of Rs.70,00,000/-.

4. At the time of hearing, learned Senior Counsel submits that the present Writ Petition has become infructuous in view of the loan account itself having been liquidated upon deposit of the settled amount as per the compromise.

Learned counsel for the Bank does not refute the aforesaid factual situation.

5. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

5th August, 2022
Cuttack