

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No. 2727 of 2022

Chandan Kumar Singh

....

Petitioner

Mr. H.K. Mohanta, Advocate

-versus-

***Authorized Officer-cum-Chief
Manager, Bank of India, Baripada
Branch and another***

....

Opp. Parties

Mr. Tuna Sahu, Advocate
(for Bank)

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

Order No.

**ORDER (Oral)
22.02.2022**

- 02.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner, defaulting borrower, has approached this Court challenging the E-Auction sale notice dated 28th of December, 2021 putting the mortgaged land and building for acution on 3rd of February, 2022 for recovery of Rs. 69,45,124.49 due as on 31st May, 2021; as also notice dated 19th January, 2022, whereby the Petitioner has been asked to vacate and handover physical possession of the subject property on 1st February, 2022 in compliance of the order passed by the Collector, Mayurbhanj U/s 14 of the SARFAESI Act, 2002 (for short, 'the Act, 2002').
- 3.** This Court vide interim order dated 1st February, 2022, upon willingness of the Petitioner, directed the payment of a sum of

P.T.O.

Rs. 30.00 lakhs on or before 15th February, 2022 while ordering the stay of the auction to be conducted on 3rd February, 2022.

4. The matter has come up before us to check the compliance of the previous direction.

5. At the time of hearing, counsel for the Petitioner very fairly concedes that his client has not complied with the interim direction and not deposited any amount. On the other hand, counsel for the Bank submits that the Petitioner is the defaulter in three loan accounts and the outstanding as on today stands at Rs. 71.00 lakhs.

6. In view of the auction having not been conducted and the Petitioner having also not complied with the order passed by this Court, we are not persuaded to entertain the present petition any further even qua the efforts of taking physical possession of the secured asset in due course of law, for which the remedy if any is before the Debt Recovery Tribunal of competent Jurisdiction.

7. Accordingly, the writ petition is dismissed.

Issue urgent certified copy as per rules.

(Jaswant Singh)

Judge

(M.S. Raman)

Judge

Laxmikant

February 22th, 2022
Cuttack