

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2820 of 2022

Urmila Devi @ Bai Agrawal **Petitioner**

Mr. S.K. Sarangi, Sr. Advocate along with
Ms. Nikita Das, Advocate

-versus-

The Chief Manager-cum- Opp. Parties
Authorised Officer, Bank of
Baroda, Angul and another

Mr. Subrat Mishra, Advocate for Bank (Caveator)

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO

Order No.

ORDER (Oral)
01.11.2022

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

1. The petitioner-Mrs. Urmila Devi @ Bai Agrawal is one of the guarantors for credit facilities availed by M/s. B.G. Plast, a partnership firm/opposite party no.2 facing recovery process under the SARFAESI Act, 2002 on account of the accounts having been declared NPA in view of default in servicing the account/non-payment of instalments by the principal borrower i.e. the partnership firm.

3. The challenge in the instant petition is to be demand notice dated 13.04.2021 (Annexure-1) issued U/s. 13(2) of the SARFAESI Act, 2002 (in short "Act, 2002") recalling the aggregate liability of around Rs.5,15,56,636/- for further interest and charges w.e.f. 01.04.2021 onwards; as also a notice

dated 13.08.2021 issued U/s.13(4) of the Act, 2002, whereby the symbolic possession of the collateral security owned by the petitioner has been assumed.

4. At the time of hearing, counsel for the petitioner prays for permission to withdraw the writ petition in view of the petitioner already pursuing W.P.(C) No.31762 of 2021 seeking more or less identical relief.

5. Mr. Subrat Mishra, counsel for the Bank states that he has no objection, if the present petition is dismissed as withdrawn with liberty to pursue the writ petition filed earlier.

6. In view of the above, the writ petition is dismissed as withdrawn granting liberty to pursue the pending previous writ petition.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

November 1st, 2022
Cuttack