

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2954 of 2013

Santosh Kumar Mohapatra **Petitioner**

Mr. Somya Ranjan Pradhan, Proxy Counsel
on behalf of Mr. Jaydeep Pal, Advocate

-versus-

***The Chief Manager, State
Bank of India, Dhenkanal
Main Branch, Dhenkanal &
Another***

.... **Opp. Parties**
None

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

**ORDER (Oral)
24.09.2022**

Order No.

03.

This matter is taken up through virtual/physical mode.

1. The petitioner, proprietor of M/s. Mahavir Stone Crusher and had availed a Term Loan of Rs.5,27,000/- and a Cash Credit facility to the tune of Rs.23,60,000/- in the year 2002/2005. Due to non-servicing of the accounts, the Bank had proceeded to file an O.A. No.110 of 2008 before the D.R.T. claiming the entire outstanding amount of Rs.32,61,281.30/- plus interest. The petitioner is stated to have also applied for amicable settlement under the O.T.S Scheme which was rejected vide Memo dated 23rd November, 2012 (Annexure-4) as the petitioner had not deposited the required 25% of

the O.T.S. Scheme upfront on receipt of the O.T.S. sanctioned letter from the Bank.

2. The present Writ Petition has been filed with the prayer for directing the Bank to settle the loan account under the O.T.S. Scheme within a specified period. This Court while issuing notice passed the following interim order on 4th April, 2013:

“ Issue notices to the opposite parties on the question of admission by speed post, requisites for which shall be filed within three days.

The notice be made returnable within three weeks and the matter be listed immediately thereafter.

As an interim measure, this Court directs that no coercive action shall be taken against the petitioner till 5.5.2013 subject to the petitioner depositing a sum of Rs.6,00,000/- (Rupees six lakhs) with the bank in two equal instalments. The first instalment shall be deposited by 30.4.2013 and the second by 30.05.2013.

Urgent certified copy of the order be granted on proper application.”

3. At the time of hearing, learned counsel for the petitioner has prayed for an adjournment as the brief is stated to be misplaced. However, we find that the requisites as directed in the aforesaid interim order for service to the Bank were never deposited. The petitioner has taken no steps either to contact his counsel or get the matter listed.

4. In view of the above, it is construed that by efflux of time, the present Writ Petition has rendered

infructuous and accordingly, the same is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

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24th September, 2022
Cuttack

