IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3021 of 2022

Chand Bibi …. ***Petitioner***

Mr. Soumya Dev Ray, Advocate

-versus-

Authorized Officer, Urban Co-operative Bank Ltd., Cuttack and another …. ***Opp. Parties***

Mr. Milan Kanungo, Senior Advocate along with Mr. Ashis Mishra, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **06.04.2022**

03. **1.** This matter is taken up through virtual/physical mode.

2. The petitioner is a defaulting borrower of a term loan availed from the Urban Co-operative Bank Limited, Cuttack for a sum of Rs.3 lakhs for business purposes in the year 2008. Due to non-payment of the installments the loan account was declared NPA on 20th August, 2012. The petitioner is stated to have paid various amounts on various dates till 15th April, 2013. It is claimed that upon the matter being listed before the Permanent Lok Adalat for an amicable settlement, it was directed that the case of the petitioner be considered under the prevailing OTS Scheme.

3. By filing the present writ petition, the prayer is for directing the Bank to extend the benefit of One Time Settlement by waiving the entire interest on the sanctioned loan.

4. Mr. Kanungo, learned Senior Advocate for the Bank was impressed upon to waive of the arrears of the penal interest. Upon instructions he has very fairly stated that the Bank is ready and willing to waive of the arrears of penal interest which amount to Rs.1,03,717/-, and after deduction of the same, the outstanding liability standing as on today would be Rs.9,10,038/-. He further states that the auction sale of the mortgaged property/Secured Asset fixed for 21st March, 2022 with the reserve price of Rs.18 lakhs has failed for lack of any intending bidders. He further states that this Court vide order dated 23rd February, 2022 had granted an opportunity to the petitioner to deposit a sum of Rs.1,50,000/- before 06th April, 2022, which the petitioner has failed to comply.

5. In response, learned counsel for the petitioner states that the petitioner has only been able to muster of an amount of Rs.60,000/-.

6. In view of the Bank having already agreed to waive of the penal interest as claimed for, and the petitioner is unable to comply with the directions of this Court, we are faced with no option rather to dismiss the present writ petition with liberty to the petitioner to seek her remedy in accordance with law.

7. The writ petition is dismissed with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK April 6th, 2022
Cuttack