

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13820 of 2014

Ghanashyam Behera **Petitioner**

Mr. Pritam Kumar Mohanty, Advocate

-versus-

**Authorized Officer, State
Bank of India, SAM Branch,
Bhubaneswar and another**

Opp. Parties

Mr. D.P. Sarangi, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

04.04.2022

Order No.

- 06.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner is stated to be a guarantor for a Cash Credit loan availed by M/s. Spearhead Traders Pvt. Ltd. for business purpose. To secure the loan, the borrower-Company and the petitioner as the guarantor had mortgaged their properties. Due to financial indiscipline, the loan account is stated to have been classified as NPA and notice under Section 13(2) of the SARFAESI Act, 2002 issued recalling the outstanding amount.
3. By filing the present writ petition challenge has been laid to the Memo dated 30.06.2014 (Annexure-2) whereby information has been provided by the State

Bank of India that the auction of the secured asset owned by the petitioner shall be conducted on 30.07.2014. Further prayer is for directing the Bank to settle the outstanding liability under One Time Settlement Scheme.

4. Learned counsel for the petitioner states that he has no instruction from his client, whereas learned counsel for the Bank submits that no challenge to the Memo providing information is maintainable. That apart, he submits that direction for settlement under an One Time Settlement without disclosing any prevalent OTS Scheme would also be not maintainable. Be that as it may, he further submits that the secured asset owned by the petitioner was sold in the auction conducted on 30.07.2014 and upon deposit of sale price, a Sale Certificate stands issued in favour of the auction purchaser.

5. In view of the above stated developments, we find no grounds to invoke our writ jurisdiction.

The writ petition is accordingly dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

April 4th, 2022
Cuttack