

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No. 3789 of 2022

M/s. Satapathy Associates
represented through its proprietor
Subas Satapathy, Bargarh and
others

Petitioners

Mr. S. Mohanty, Advocate

-versus-

Union Bank of India represented its
Chairman and Others

Opposite Parties

Mr. Bhaskar Chandra Panda,
Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER(Oral)
23.03.2022

Order No.

- 04.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner is before this Court with a prayer to quash the sale notice dated 14th January, 2022 vide Annexure-7. It makes further prayer to issue writ of mandamus to the Opposite Parties-Bank to rephrase the loan amount as well as extend of time to repay the loan amount.
- 3.** The Petitioner-borrower had availed loan for an amount of Rs. 75.00 lakhs on 27th January, 2020 from Opposite Parties-Bank. Due to financial indiscipline, the loan account was declared as NPA, demand notice U/s 13(2) of the SARFAESI Act, 2002 was issued on 25th July, 2021 recalling the outstanding liability of Rs.75,38,156.80.

P.T.O.

Subsequently, the symbolic possession was taken U/s 13(4) of the SARFAESI Act, 2002 on 18th December, 2021. Consequent upon, possession being taken of the mortgaged property, the Bank fixed 17th February, 2022 for public E-auction.

4. On the willingness of the Petitioner to clear the entire outstanding liability within reasonable time, this Court while issuing notice of motion passed the following order on 14th February, 2022.

“XXX

XXX

XXX

XXX

Mr. Mohanty, learned counsel for the Petitioners to save the residential house of the guarantor fixed for auction on 17th February, 2022, states that he is prepared to deposit more than 50% up-fronts with the remaining balance to be paid within a reasonable time.

Issue notice for 11th March, 2022.

Mr. Bhaskar Chandra Panda, learned counsel appears and waives notice on behalf of the Opposite Parties.

Let requisite number of copies of the writ petition be served on him within next two days.

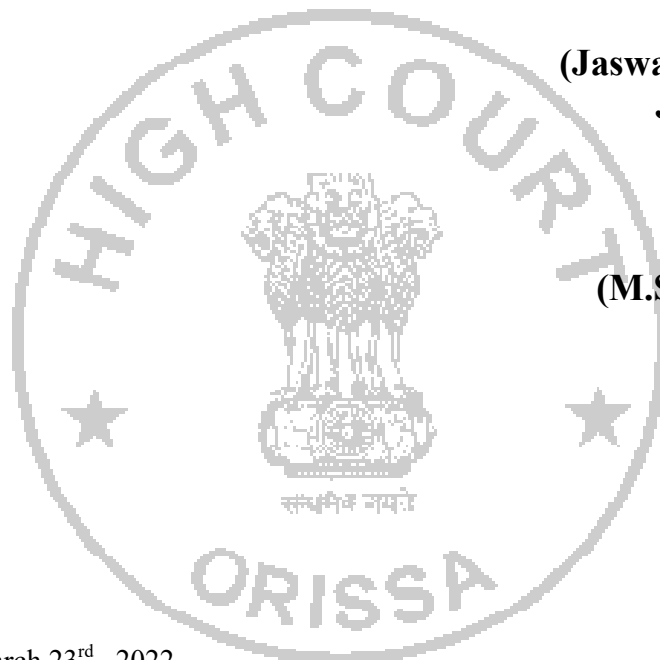
In the event of the Petitioners, depositing sum of Rs.38,00,000/- with the Bank on or before 17th February, 2022, the successful bid, if any, shall not be confirmed without leave of the Court.

The Petitioners shall also file an undertaking before the Bank in respect of payment of the remaining balance along with interest and other charges within next three months.”

5. Pursuant to order dated 14th February, 2022, the Petitioner filed an affidavit dated 21st March, 2022, today affirming therein that it had deposited Rs.38.00 lakhs and stated to have filed an undertaking before the Opposite Party No.3 i.e Union Bank of India, Attabira

Branch, Bargarh assuring to make payment of remaining balance along with interest and other charges within next three months.

6. In view of the above, this writ petition has become infructuous. The Petitioner shall be bound by his undertaking as aforesaid. It is clarified that no further time shall be extended to the Petitioner.



(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

March 23rd, 2022
Cuttack