IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22496 of 2014

Kabuli Pradhan .... ***Petitioner***

Mr. Bijaya Kumar Behera-1, Advocate

-versus-

Authorised Officer-cum-Branch Manager, State Bank of India, Pipili Branch, Pipili, District-Puri and another .... ***Opp. Parties***

Mr. Dilip Kumar Misra, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **07.04.2022**

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

2. The brief facts of the case are that the Petitioner-Kabuli Pradhan availed an agricultural term loan of Rs.3,75,000/- from the Authorised Officer, State Bank of India, Pipili Branch, Puri-Opposite Party No.1 on 19.06.2007 by mortgaging several properties.

3. Due to financial indiscipline, the loan account was declared as NPA and consequently, a demand notice under Section 13(2) of the SARFAESI Act, 2002 (for short "the Act, 2002") was issued on 19.04.2012 demanding payment of a sum of Rs.6,50,483/- along with interest. Further, symbolic possession of the property under Section 13(4) of the Act, 2002 was taken vide notice dated 22.09.2012. The sale/auction notice of the mortgaged property was published on 09.11.2012.

4. Aggrieved by the said notices under Sections 13(2) and 13(4) of Act, 2002 and the sale notice, the Petitioner had filed a Writ Petition bearing W.P.(C) No.22508 of 2012, whereby this Court vide order dated 03.12.2012 had directed the Petitioner to deposit Rs.1,00,000/- and further vide order dated 21.04.2014 to deposit Rs.1,75,000/- in order to take advantage of the OTS Scheme. It is the case of the Petitioner that he has complied with the order of this Court dated 03.12.2012 and yet the Bank instead of considering his application for OTS dated 20.06.2014, has issued a demand notice dated 17.10.2014 demanding a sum of Rs.6,04,692/- which ought to have been reduced to Rs.3,44,479/-.

Aggrieved by the said notice dated 17.10.2014, the Petitioner has filed this Writ Petition to direct the Opposite Party-Bank to consider his application for OTS scheme and not to take any coercive measures against him.

5. During the course of hearing, Opposite Party No.1 filed an Affidavit stating therein that the loan account of the Petitioner bearing No.30191982732 has been closed owing to full and final settlement of the outstanding amount on 07.12.2016. The affidavit be kept on record.

6. In view of the affidavit filed, the writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK April 7th, 2022
Cuttack