

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No. 4375 of 2022

***Kailash Chandra Satpathy &
Others***

....

Petitioners

None

-versus-

***Authorized Officer, Union Bank,
Regional Office, Ganjam &
Another***

....

Opposite Parties

Mr. Sandeep Mishra, Advocate on behalf of
Mr. Tuna Sahu, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
28.06.2022

Order No.

06. 1. This matter is taken up by virtual/physical mode.
2. The Petitioner No.1 (Kailash Chandra Satapathy), is a defaulting borrower, who availed a Housing Loan facility to the tune of Rs.17.00 lakhs on 18th November, 2017 from the Union Bank of India, Berhampur, Ganjam. The said amount is stated to be repaid in 180 months with monthly rests and the Petitioner No.1 is required to deposit EMI fixed @Rs.16,741/-. The Petitioner Nos. 2&3 stood as the guarantors. Due to financial indiscipline, the said loan account was classified as NPA on 31st March, 2021 leading to

issuance of notice U/s 13(2) of the SARFAESI Act, 2002 on 9th April, 2021 recalling amount of Rs.20,93,011.44. The symbolic possession was assumed by issuance of notice U/s 13(4) of the SARFAESI Act, 2002 on 14th December, 2021.

4. Since there was no repayment of outstanding dues, the auction sale notice was issued on 15th January, 2022, fixing date of auction sale of the secured asset to 17th February, 2022.

5. Challenging the notice dated 15th January, 2022 under Section 13(4) of the SARFAESI Act, 2002, the Petitioner has approached this Court. Vide order dated 17th February, 2022, this Court had directed the Petitioner to deposit a sum of Rs.5.50 lakhs which remained non complied till date.

6. When the matter is taken up today none appeared for the Petitioner. However, counsel for the Bank has submitted that the auction sale has failed due to non-availability of intending purchaser and further submitted that the amount is directed to be deposited has not been complied with.

7. Absence of the counsel for the Petitioner on earlier occasions i.e., 20th April, 2022 and 28th June, 2022 shows that the Petitioner is no longer interested to pursue the matter further.

8. In such view of the matter, the writ petition stands dismissed.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

June 28th, 2022
Cuttack

