

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C). No. 4444 of 2022

Bhagaban Panda

....

Petitioner

Mr. Mohendra Kumar Mohapatra, Advocate

-versus-

***The Regional Manager-cum-
Authorized Officer, Odisha Gramya
Bank Regional Office, Pipili &
Others***

....

Opposite Parties

Mr. S.K. Mishra, Advocate on behalf
of Mr. Tuna Sahoo, Advocate for Bank

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

ORDER

07.03.2022

Order No.

- 01.**
1. This matter is taken up by virtual/physical mode.
 2. It is the case of the Petitioner that though loan for an amount of Rs.13,00,000/- was sanctioned by the Opposite Parties/ Bank disbursed only Rs.12,00,000/- and interest has been calculated on 13, 00,000/- from the date of sanctioning the loan.
 3. Notice U/s 13(2) of the SARFAESI Act 2002 was issued demanding Rs. 17,81,727/- as on 09.02.2015 and subsequently notice U/s 13(4) assuming symbolic possession of mortgaged property thereof was issued on 17.01.2016.

P.T.O.

4. It is submitted by the counsel for the Petitioner that the registered sale deed has already been executed. On 14.11.2019 notice for sale of secured assets issued fixing date of auction on 20.12.2019. However, against the notice U/s 17 of the said Act the Petitioner approached the learned Debts Recovery Tribunal by way of filing Securitization Appeal bearing number i.e SA No. 11 of 2022.

5. It is brought to the notice that the said Tribunal has issued notice fixing date of proceeding to be on 28.01.2022.

6. Counsel for the Petitioner submits that since Debts Recovery Tribunal is not functioning due to non-availability of the Presiding Officer, the matter did not proceed. Therefore, the writ petition has been filed.

7. It is stated at the Bar that notification appointing Presiding Officer has been published and the Presiding Officer of Debts Recovery Tribunal at Cuttack is likely to join very soon.

8. The counsel for the Petitioner seeks to withdraw the writ petition with liberty to amend the securitization application pending before the learned Debts Recovery Tribunal.

9. With the aforesaid liberty to pursue remedy before the learned Debts Recovery Tribunal, the present writ petition is dismissed as withdrawn.

Issue urgent certified copy as per rules.

(Jaswant Singh)

Judge

(M.S. Raman)

Judge

Laxmikant

March 7th, 2022
Cuttack

