

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5626 of 2022

Bikram Ranjan Pattanaik

.....

Petitioner

Mr. A.K. Mohapatra, Advocate

Vs.

A.O.-cum-B.M., BOI, Puri

.....

Opposite Party

Mr. G.D. Kar, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

19.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mohapatra, learned counsel appearing for the petitioner and Mr. G.D. Kar, learned counsel appearing for the opposite party-Bank.

3. The petitioner has filed this writ petition challenging the notice/letter contained in Annexures-1 and 2 to the writ petition.

4. While entertaining this matter, vide order dated 03.03.2022, this Court passed an interim order to the effect that in case the petitioner deposits an amount of Rs.2,50,000/- (rupees two lakhs fifty thousand) by 08.03.2022 with the opposite party-bank, no auction/sale of the gold of the petitioner, having Account No. 555877610000202 of Nabakalabar Road Branch, Nabakalabar Road Area, Grand Road, Puri, shall be held, pursuant to the gold sale notice under Annexure-8, till 15.03.2022.

5. Mr. Mohapatra, learned counsel for the petitioner fairly contended that in terms of the direction of this Court, the petitioner could not deposit the amount as directed by this Court, though he has deposited Rs.70,000/- and Rs.80,000/- in two installments, i.e. in toto Rs.1,50,000/-, which has been duly acknowledged by the opposite parties. Admittedly the interim

order of this Court has not been complied with.

5. Mr. G.D. Kar, learned counsel appearing for the opposite party-bank contended that even though the petitioner has paid two installments, i.e. Rs.70,000/- and Rs.80,000/-, i.e. in toto Rs.1,50,000/-, but in compliance to the interim order of this Court, he had to deposit Rs.2,50,000/-. Subsequently, the petitioner has also withdrawn the amount of Rs.1,50,000/- deposited by him with the Bank. In that view of the matter, the opposite party-bank has already put the gold to auction and handed over the gold to the auction purchaser.

6. Having heard learned counsel for the parties and after going through the record, it appears that the petitioner having filed the writ application challenging notice under Annexure-8 regarding sale of gold wherein as regard to Nabakalabar Road Branch, Nabakalabar Road Area, Grand Road, Puri, the name of the petitioner has been reflected at Sl. No.1 having Account No. 555877610000202 and it has been indicated that the petitioner has to pay an amount of Rs.4,23,560/- and the total outstanding is Rs.8,22,812/-, as against the sanctioned loan of Rs. 3,45,000/-. It was contended before this Court that the petitioner had already paid Rs.1,04,000/- by 17.08.2017 and he was ready and willing to pay a further amount of Rs.2,50,000/- (rupees two lakhs fifty thousand) by 08.03.2022. Believing the statement of the learned counsel for the petitioner, this Court passed the interim order to the effect that in case the petitioner deposits an amount of Rs.2,50,000/- (rupees two lakhs fifty thousand) by 08.03.2022 with the opposite party-bank, no auction/sale of the gold of the petitioner, having Account No. 555877610000202 of Nabakalabar Road Branch, Nabakalabar Road Area, Grand Road, Puri, shall be

held, pursuant to the gold sale notice under Annexure-8, till 15.03.2022. The petitioner though had deposited Rs.70,000/- and Rs.80,000/- in two installments, i.e. in toto Rs.1,50,000/-, which has been duly acknowledged by the opposite party bank, but subsequently he has taken refund of the said amount.

7. In view of the above, the interim order passed by this Court has not been complied with. It shows that the petitioner has not come in clean hand and clean mind. Therefore, this Court is not inclined to extend further time to the petitioner and to entertain the prayer made in this writ petition.

9. Thus, the writ petition merits no consideration and the same stands dismissed accordingly.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi

