

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.182 of 2021

Rabindra Kumar Sahoo

.... Appellant

Mr. S. N. Sharma, Advocate

-versus-

***Odisha Rural Housing
Development Corporation,
Odisha and Others***

.... Respondents

Mr. M. K. Khuntia, AGA

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

**ORDER (Oral)
28.11.2022**

(Hybrid Mode)

Order No.

- 03.** 1. The appellant is a defaulter in a Housing Loan of Rs.50,000/- availed from Odisha Rural Housing Development Corporation Ltd. in the year 2002. The present intra-court appeal has been filed by the appellant against the order dated 21st January, 2021 passed by the learned Single Judge of this Court in W.P.(C) No.38283 of 2020. The relevant portion of the order is reproduced below:

“The matter is taken up through video conferencing.

Heard Mr. S.N. Sharma, learned counsel for the petitioner.

The petitioner has filed this writ petition seeking direction to opposite parties no. 1 and 2 to close his loan account by way of one time settlement by deleting the penal interest payable on the loan account.

This Court is not inclined to entertain this application for one time settlement. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum ventilating his grievance.

With the liberty aforesaid, the writ petition stands disposed of.”

2. After hearing learned counsel for the appellant, we find no merit on the present Writ Appeal. Learned counsel for the appellant has made a reference to an order dated 13th October, 2015 passed in a bunch of matters wherein this Court had directed the HUDCO to waive off the penal interest. Thus, the appellant is praying for a similar direction which we find to be totally misplaced. Reading of that order reveals that in the Writ Petitions therein, the Court had passed interim orders injuncting the HUDCO from recovering of the amounts during the pendency of the Writ Petitions and upon conclusion of the same, the Court directed waiving off of the penal interest on account of no default with the petitioners instead the non-payment was on account of the interim order passed by this Court. Such a direction was based on the principle that no Court orders can operate to any one prejudice. Hence, the plea of discrimination does not sustain.

3. Learned counsel for the respondents submits that even otherwise, there was no prevailing OTS at the relevant time nor is there any prevailing OTS at this stage.

4. In view of the above, the present Writ Appeal stands dismissed.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

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28th November, 2022
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