

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6056 of 2022

Pravat Kumar Behera ***Petitioner***

Mr. Suryakanta Dasmohapatra, Advocate

-Versus-

***The Authorised Officer-
cum-Chief Manager, Punjab
National Bank & Others***

.... ***Opp. Parties***

Mr. S.K. Ghose,
Advocate for the Bank

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

Order No.

**ORDER (Oral)
27.10.2022**

04. This matter is taken up through virtual/physical mode.

1. The auction purchaser is before this Court praying for a direction to the Bank for either registration of the sale deed or refund the sale price of the secured asset purchased by the Petitioner in an auction sale conducted by the Bank towards meeting the outstanding liabilities of the erstwhile borrower.

2. Mr. Ghose, learned counsel appearing for the Bank on advance notice submits that the petitioner was the highest bidder in the auction conducted on 17.09.2021 and upon deposit of the entire sale consideration, a Sale Certificate was issued on 28.09.2021. The auction sale was conducted on "As is Where basis" without a promise of immediate possession of the mortgaged asset as the defaulting

borrower/guarantor had not yet parted with the possession. He further submits that upon taking up actual physical possession by resorting to filing of an application under Section 14 of the SARFAESI Act and getting actual physical possession, the sale deed shall be executed in favour of the auction purchaser along with the possession.

3. In view of the above, we find no ground at this stage to issue a mandamus for either registration of the sale deed or refund of the auction money.

4. The Writ Petition is disposed of.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

27th October, 2022
Cuttack