

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6241 of 2022

K. Sanjib Rao

....

Petitioner

Mr. P.K. Mohanty, Advocate

-versus-

**Authorised Officer, Union
Bank, Cuttack and Others**

....

Opp. Parties

Mr. Tuna Sahu, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (ORAL)

11.05.2022

Order No.

- 03.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** Petitioner is the guarantor, who has mortgaged his residential house as a collateral security for a loan of Rs.20,00,000/- availed on 13.03.2015 by M/s. Rita Enterprises, a proprietorship concern of Smt. Rita Behera- Opposite Party No.3. Due to financial indiscipline, the loan account was classified as NPA on 30.06.2016 and a demand notice under Section 13(2) of the SARFAESI Act, 2002 (for short 'the Act, 2002') was issued on 11.07.2016 recalling an outstanding liability of Rs.20,71,700/- as on 30.06.2016. Symbolic possession was assumed on 10.01.2017 by issuance of a notice under Section 13(4) of the Act, 2002. The sale notice dated 06.02.2022 (Annexure-1) was issued fixing E-auction sale of the mortgaged property of the petitioner/guarantor for 10.03.2022.

3. By filing the present writ petition, the petitioner-guarantor has challenged the aforesaid sale notice dated 06.02.2022 (Annexure-1).

4. At the outset, learned counsel for the Bank submits that the present writ petition has become infructuous as the auction sale fixed for 10.03.2022 has failed for lack of any intending bidders. He further states that as on today around Rs.37,00,000/- are outstanding dues.

5. In view of the aforesaid development, the present writ petition is disposed of as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

May 11th, 2022
Cuttack

AKK