IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6592 of 2022

M/s. Sarada Pustak Bhandar and Another .... ***Petitioners***

Mr. Prasanta Kumar Satapathy, Advocate

-versus-

Canara Bank and Others .... ***Opp.Parties***

Mr. B.N. Udgata, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **01.08.2022**

03. **1.** This matter is taken up through virtual/physical mode.

2. Petitioner No.1 is the proprietorship concern of Mr. Biswajit Sahoo (Petitioner No.2). Petitioner No.1 had availed a Cash Credit facility for a sum of Rs.8 lakhs on 16.12.2011 from Canara Bank, Badambadi Branch, Cuttack. To secure the loan, the property owned by Mrs. Chandrabati Dash/Opposite Party No.3 was mortgaged as a collateral security.

3. Due to non-servicing of the loan account, it was classified as NPA on 28.09.2018 leading to issuance of a demand notice dated 24.05.2019 under Section 13(2) of the SARFAESI Act, 2002 (for short "the Act, 2002") recalling an outstanding amount of Rs.8,35,642.86/- due as on 28.09.2018. A notice under section 13(4) of the Act, 2002 was issued on 29.08.2019 assuming possession of the secured assets. A sale notice dated 10.02.2022 was issued fixing the auction sale of the mortgaged properties on 14.03.2022.

4. The instant writ petition was filed challenging the auction sale fixed for 14.03.2022, as also a direction for taking a decision on the proposal dated 07.03.2022 submitted by the petitioner for an amicable settlement.

5. At the time of hearing, learned counsel for the Bank states that the auction sale fixed for 14.03.2022 had failed for lack of any intending bidder. He further submits that the settlement proposal dated 07.03.2022 in view of the realizable value of the secured assets being much more than the offer for settlement, was rejected after due consideration vide Memo dated 11.03.2022 duly conveyed to the petitioner. He further states that the outstanding loan amount as on 30.06.2022 is around Rs.14,30,000/-.

6. At this stage, learned counsel for the petitioners prays for permission to withdraw the writ petition to enable the petitioner to approach the Bank with a better offer for settlement.

7. In view of the above, the writ petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

Basudev

1st August, 2022
Cuttack