

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.6703 of 2022

Bhagirathi Dalai

..... ***Petitioner***

Mr. P.Ch. Das, Advocate

-versus-

Urban Co-operative Bank Ltd.
Cuttack & Another

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

Mr. Millan Kanungo, Sr. Advocate

Mr. Asish Mishra, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

16.03.2022

Order No.

- 02.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner had availed a term loan for business purposes on 17th May, 2018 for a sum of Rs.5.00 lakhs with EMIs of 84 @ Rs.8827/-. Due to financial indiscipline, the loan was declared NPA on 31st March, 2020. A demand notice under section 13(2) of the SARFAESI Act was issued on 3rd February, 2021 recalling an amount of Rs.5,85,456/- due as on 12th January, 2021. Notice under Section 13(4) of the Act assuming symbolic possession was issued on 5th November, 2021.
- 3.** By filing the present petition, challenge has been made to the notice under section 13(4) of the Act, 2002 as also the sale

P.T.O.

notice dated 8th February, 2022 fixing the auction for 14th March, 2022 of the collateral security.

4. At the time of hearing, counsel for the Bank submits that the mortgaged property has been sold in the auction fixed for 14th March, 2022 for a sum of Rs. 16.00 lakhs.

5. With the aforesaid factual position, counsel for the Petitioner prays for permission to withdraw the petition to pursue SA which is stated to have been filed before the DRT with necessary amendment relating to challenge the sale as also implead the auction purchaser.

6. The writ petition stands dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks

March 16th, 2022
Cuttack