

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6794 of 2022

Parbati Charan Das

....

Petitioner

Mr. S.S. Mohapatra, Advocate

-versus-

The Chairman, Urban

....

Opp. Parties

Cooperative Bank Ltd., Head

Office Tinikonia Bagicha, Cuttack

and another

Mr. Dipankar Acharya, proxy counsel on behalf of
Mr. Sidhartha Das, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

05.04.2022

Order No.

02.

1. This matter is taken up through virtual/physical mode.
2. The Petitioner is stated to be a defaulting borrower of a Cash Credit loan sanctioned in favour of the Petitioner on 31st March, 1993 to the tune of Rs.2.00 lakhs by the Urban Cooperative Bank Ltd., Main Branch, Tinikonia Bagicha, Cuttack. Due to financial indiscipline, the loan account was classified as NPA on 31st March, 1995 and the demand notice recalling the loan was issued on 1st December, 2012 under Section 13(2) of the SARFAESI Act, 2002.
3. The prayer in the present writ petition is for quashing the sale notice dated 10th February, 2022 fixing the date of auction of the mortgaged property as 14th March, 2022.
4. At the time of hearing, counsel for the Bank states that the auction fixed for 14th March, 2022 attracted no bidders and hence, the same failed. He further states that there is no OTS Scheme available under which the case of the Petitioner with an outstanding liability for a sum of rupees more than

two crores, can be considered for an amicable settlement. However, it is not understandable as to how the original facility of Rs.2.00 lakhs could have swelled to more than Rs.2.00 crores.

5. Be that as it may, in view of the aforesaid development and the relief claimed, now the present writ petition has become infructuous. The Petitioner is free to seek his remedy before the DRT, Cuttack.

6. Accordingly, this writ petition is disposed of as infructuous.

Issue urgent certified copy as per Rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna

April 5th, 2022
Cuttack

