

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6856 of 2022

Nrupa Keshari Mohanty ***Petitioner***

Mr. Dayanidhi Mohanty, Advocate

-versus-

***Bank of Baroda, represented
through its Branch Manager,
Khandagiri Branch, MIG-1,
Kolathia, Phase-I,
Khandagiri, Bhubaneswar
and another***

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

None

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

**ORDER (Oral)
13.05.2022**

Order No.

- 04.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner is the proprietor of M/s. Kalinga Agency, which had availed Cash Credit facilities in three separate accounts from Bank of Baroda, Khandagiri Branch, Bhubaneswar on 28.03.2019. Due to non-payment of installments, the account was declared NPA on 31.03.2021. A demand notice was issued on 10.12.2021 recalling an outstanding liability of ₹40,95,411.00 due as on 31.03.2021. Symbolic possession was assumed vide notice dated 10.02.2022 under Section 13(4) of the SARFAESI Act, 2002. The e-auction sale notice dated 24.02.2022 was issued/published fixing the auction sale of the secured assets on 25.03.2022 for a total outstanding amount of ₹46,49,742.69 due on 25.02.2022 in all the three accounts.

3. By filing the present writ petition, challenge is primarily made to the aforesaid e-auction to be held on 25.03.2022.

4. On the previous date, learned counsel for the Bank has submitted that the aforesaid auction fixed had failed for want of any intending bidders. Thus, the writ petition has become infructuous. The case was however adjourned directing the Manager to give a final figure, which would be acceptable to the Bank under the regular OTS policy to liquidate the loan account. We find that neither the Manager has provided the information nor the counsel is appearing.

5. In view of the above, we do not deem it appropriate to delay the matter any further and the petitioner would be free to pursue the Bank for an amicable settlement under the regular OTS Scheme.

6. The writ petition is accordingly dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

May 13th, 2022
Cuttack

AKK