IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.6888 of 2022

Abdul Salam .... ***Petitioner***

Mr. P. R. Parida, Advocate

-versus-

Branch Manager, The Urban Co-operative Bank Ltd., Cuttack Main Branch, Cuttack and Others .... ***Opp. Parties***

Mr. Sidhartha Dash, Proxy Counsel on behalf of Mr. Milan Kanungo, Senior Advocate (for the Bank)

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
25.07.2022

Order No.

02. **1.** This matter is taken up through hybrid arrangement (virtual/physical mode).

2. The Petitioner namely, Abdul Salem availed a Term Loan of Rs.1,00,000/- in two phases on 10.05.2000 and 28.06.2000 from the Urban Cooperative Bank, Cuttack by mortgaging a double storied building along with landed property situated in Mouza-Cuttack Town, Unit No.11 (Odia Bazar), Khata No.202, Plot No.312, Area – 0.017 Acre and against an LIC policy No. 582767465.

3. Due to financial indiscipline, the loan account was declared as NPA on 31.03.2003. A Notice under

Section 13 (2) of the SARFAESI Act, 2002 was issued on 16.01.2014 demanding outstanding dues of Rs.2,28,083/- as on 31.12.2013. The possession Notice under Section 13(4) of the SARFAESI Act, 2002 was issued on 23.06.2014. Aggrieved by the possession notice, the Petitioner moved this Court challenging the same vide WP (C) No.12226/2014. This Court vide order dated 05.09.2017, disposed of the Writ Petition by directing the Bank to sympathetically consider the case of the Petitioner if it deposits Rs.1,00,000/- within four weeks of this order failing which the Bank would be at liberty to take recourse as provided under law.

4. Pursuant to the order dated 05th September, 2017, the Petitioner made several representations before the Bank to settle the loan account. However, the Bank failed to accept the same. Again aggrieved by the above inaction by the Bank/Opposite Party, the Petitioner/ Abdul Salem approached this Court to direct the Bank to accept Rs.1,00,000/- as offered by the Petitioner and settle the loan account.

5. During the course of proceeding, the Petitioner filed a memo before this Court indicating therein that his loan Account No.13901205115 has been closed on 19.05.2022 and requested to withdraw the writ Petition. The memo be kept on record.

Learned Counsel for the Bank doesn't dispute about the closing of the said loan account.

6. In view of the above submission and memo filed, the Writ Petition is accordingly dismissed as withdrawn.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

25th July, 2022
Cuttack