IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12789 of 2014

M/s. Amrita Filling Station .... ***Petitioner***

None

-versus-

Authorized Officer-cum-Chief Manager, State Bank of India, SME Branch, Jharsuguda Station Square, Jharsuguda .... ***Opp. Party***

Mr. Manoj Kumar Mohapatra,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
21.07.2022

Order No.

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

2. The Petitioner, i.e., M/s. Amrita Filing Station is a proprietorship concern and is in the business of operating a filling station at Jharsuguda. The Petitioner/M/s. Amrita Filing Station availed a Cash Credit loan of Rs.35,00,000/- in the year 2005 by mortgaging certain property from the State Bank of India, SME Branch/Opposite Party.

3. The licence of the Petitioner was suspended by the Indian Oil Corporation on 22.06.2010 and consequently the filling station remained inoperative. The petitioner's account was classified as NPA on 31.08.2011 due to default in payment of loan.

Further, a demand notice under Section 13 (2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) was issued by the Bank/Opposite Party on 08.02.2012 recalling an amount of Rs.11,65,216/- as on 31.01.2012. The symbolic possession of the mortgaged property was taken under Section 13 (4) of Act, 2002 on 09.10.2013.

4. During the course of hearing, learned Counsel for the Bank states that the present writ petition has become infructuous in view of the loan account having been settled under the OTS Scheme by depositing a sum of Rs.6,14,810/- against the outstanding dues of Rs.21,12,793/-. Further, on 22.09.2017 after settlement, the remaining amount of Rs.14,97,983/- has been written off by the Opposite Party/Bank and thereby the loan account has been closed.

None has appeared to rebut the stand of the Bank.

5. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK 21st July, 2022
Cuttack