

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8953 of 2020

Sukadev Swain

....

Petitioner

Mr. Akshaya Kumar Mohapatra, Advocate

-versus-

***The Branch Manager, Union
Bank of India, Paradeep
Branch, Dist-Jagatsinghpur***

....

Opp.Party

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

05.08.2022

Order No.

- 04.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** The petitioner is a defaulting borrower of a Cash Credit facility availed in the year 2012 for an amount of Rs.5,10,000/- from Union Bank of India, Paradeep Branch. To secure the loan, a Fixed Deposit Certificate of the son of the petitioner was offered as a collateral security. Due to financial indiscipline, the loan account was declared NPA and recovery process initiated under the SARFAESI Act, 2002 by issuance of a Demand Notice recalling the outstanding liability of Rs.9,51,977/-.
 - 3.** By filing the present writ petition, a direction has been sought for settling the loan amount through an

OTS or any Waiver Scheme for at least exempting the payment of the interest component. Further challenge has been laid to a communication dated 7th February, 2020 (Annexure-4) whereby the Bank has informed the petitioner that there is no OTS or any Waiver Scheme available. Be that as it may, keeping in view the nature of the relief being claimed, we are not inclined to invoke our writ jurisdiction.

4. Accordingly the writ petition is dismissed relegating the petitioner to seek his available remedy in accordance with law.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

5th August, 2022
Cuttack