

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.7903 of 2022

M/s. Katwari Enterprises

....

Petitioner

Mr. Ansuman Bhuyan, Advocate

-versus-

***Chief manager, UCO Bank,
Brajarajnagar Branch & Another***

....

Opposite Parties

Mr. B.N. Udagata, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

19.05.2022

Order No.

- 01.**
1. This matter is taken up by virtual/physical mode.
 2. The Petitioner-defaulting borrower which is a proprietorship concern represented through its proprietor Mr. Natwarlal Kashyap availed cash credit limit of Rs.10.00 lakhs on 13th March, 2008 for running business. This was enhanced to Rs. 17,40,000/- on 7th February, 2009. Subsequently in 2020, the Petitioner also availed FITL/loan of Rs.89,257/- for its business purposes.
 3. Due to irregularity in repayment of amount due, the loan account has been declared NPA on 31st March, 2021. The Opposite Party-Bank issued notice under section 13(2) of the SARFAESI Act recalling an amount of Rs.18,69,250.72 as on 30th March 2021. In absence of submission of any reply by the Petitioner in connection with said notice, symbolic possession has been assumed on 23rd December, 2021 by issue of notice under Section 13(4) of the

SARFAESI Act, consequent upon which notice for sale was published on 9th March, 2022 fixing date of auction to 25th March, 2022 .

4. Mr. B.N. Udgata, counsel for the Bank submitted that the auction sale failed due to non-participation of any intending bidder.

5. Counsel for the Petitioner submitted that as the auction sale is frustrated no cause of action survives and the writ petition has been rendered infructuous.

6. In view of the above, the writ petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks

May 19, 2022 Cuttack

