

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.4979 OF 2006

Surya Kumar Dash

....

Petitioner(s)
Mr.S.K.Purohit,Adv.

-versus-

U.Co Bank and others

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
30.09.2022

Order No.

15.

1. Heard learned counsel for the Petitioner.
2. The Writ Petition involves a challenge to the order at Annexures-3, 4 & 9 finally appears to be a challenge to the order at Annexure-9 passed by UCO Bank on the premises that when the response of the Petitioner is undertaken in an exercise by the bank authority in disposal of such response to a demand notice, the bank authority ought to have been shown reason in rejecting the request of the petitioner. Taking this Court to the impugned order at Annexure-9, learned counsel appearing for the Petitioner reading through the same contended that there has been absolutely no consideration of any of ground being raised by the Petitioner. It is thus claimed that the order at Annexure-9 is non-speaking one and must be interfered. In spite of appearance of set of counsel, nobody is appearing for contesting Opposite Parties. This Court keeping in view the objection of the learned counsel for the Petitioner finds disposal direction in O.J.C. No.3812 of 2001 appears to be as follows:-

“1. As per the direction of the Hon’ble High Court of Orissa vide order dated 12.05.2005 in respect of OJC No.3812 of 2001, we issued the above

notice advising you to show cause why your provident fund amount would not be attached and appropriated against the loan amount outstanding in the name of your brother, Sri Santosh Kumar Dash for whom you had verbally recommended for sanction of such loan.

2. We have gone through the contents of your reply and found that your reply is quite unsatisfactory and not at all acceptable.

3. Therefore we have decided to appropriate the entire amount of Rs.1,44,888/- (Rupees One lakh forty four thousand eight thousand eighty eight only) deducted from your PF amount to liquidate the outstanding loan amount of your brother Sri Santosh Kumar Dash.”

Reading the entire response by way of rejection of the claim of the Petitioner, this Court nowhere finds the authority in deciding the objection has attended to the grievance of the Petitioner and response to the same finally rejecting such request.

3. In the circumstance, this Court finds the order at Annexure-9 is not sustainable in the eye of law. This Court accordingly interferes with the order at Annexure-9 and sets aside the same and by remitting back the matter to the UCO Bank Opposite Parties directs it to look into the objection of the Petitioner and take a fresh decision if necessary involving the Petitioner and bring a reasoning outcome. Till such period if there is no recovery as of now, there shall be no recovery against the Petitioner.

(Biswanath Rath)
Judge

Swarna