

IN THE HIGH COURT OF ORISSA AT CUTTACK

I.A. No.13395 of 2022 in WP(C) No.9382 of 2020

Prafulla Kumar Sahoo

....

Applicant/Petitioner

Mr. S.K. Joshi, Advocate for
applicant/Petitioner

-versus-

***Chief Manager, State Bank of India,
Jeypore & Another***

....

***Non-applicants/Opposite
Parties***

Mr. P.V. Balakrishna, Advocate for
non-applicant/Bank

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

ORDER(Oral)

29.09.2022

Order No.

I.A. No. 13395 of 2022

05. This matter is taken up by virtual/physical mode.

1. The Petitioner being one of the partners of the defaulting partnership firm for whose outstanding liability, the online e-auction was being conducted by the Recovery Officer, DRT, Cuttack pursuant to an order/decreed passed by the DRT, Cuttack in favour of the Bank for realisation of the outstanding liability, had filed the aforementioned/instant petition making a grievance that he has denied an opportunity of participating in the auction to be held on 18th March, 2020. This Court while issue notice vide order dated 17th March, 2020 directed the Petitioner to deposit a sum of Rs.3,70,000/-(rupees three lakhs seventy thousand) with the Bank as a caution money for participating in the auction.

2. The writ petition was finally disposed of as withdrawn vide order dated 18th February, 2022 by filing a withdrawal memo in

view of the Petitioner not being the highest bidder and auction being successful in favour of the highest bidder.

3. Now the aforementioned I.A. has been filed seeking a direction to the Bank to refund the aforesaid amount of Rs.3,70,000/- pursuant to the order passed by this Court.

4. Upon notice of the applicant, Mr. P.V. Balakrishna, Advocate appeared for the Bank and submits that he has instruction to say that the Bank would within a period of next two weeks but not later than 15th October, 2022 return the aforesaid amount to the applicant/Petitioner.

5. In view of the aforesaid, the I.A. is disposed of.

The Bank would be bound by the stand made through its counsel.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge