

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24231 of 2014

M/s. Ocean Drops

....

Petitioner

Mr. B. K. Sharma, Advocate

-versus-

***Reserve Bank of India and
Others***

.... ***Opp. Parties***

None for Opposite Party Nos.1 and 2/Bank

Mr. B. N. Udgata with

Mr. Manorajan Sahoo, Advocates

for Opposite Party No.3/Insurance Company

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

08.07.2022

Order No.

- 12.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner is a proprietorship concern of Smt. Sushamarani Mohapatra who had availed the benefit of two loan accounts that is a Term Loan and a Cash Credit loan under PMEGP (KVIC) Scheme from Bank of Baroda, Basantapur Branch, Dist-Keonjhar (Opposite Party No.2). National Insurance Company-Opposite Party No.3 had provided the insurance cover for the unit. Sri Jugal Kishore Sahoo and his son Ashis Kumar Sahoo had offered the guarantee in both the loan accounts availed by proprietorship concern-petitioner.

3. It is claimed that on account of the damage suffered to the unit by cyclone on 12th April, 2012, the financial ability of the petitioner to service the loan accounts was severely affected. The petitioner had raised its claim before the National Insurance Company (Opposite Party No.3) seeking reimbursement of the damage suffered in view of the insurance cover in their favour. However the Insurance Company had delayed the settlement of the claim.

4. Due to financial indiscipline, both the loan accounts were declared NPA on 28.12.2013 resulting into the issuance of the impugned demand notice dated 14th October, 2014 (Annexure-5 series) seeking to recall the outstanding amounts in both the loan accounts to the tune of Rs.9,10,720/- and Rs.3,78,400/- respectively. The outstanding amount thus required to be repaid along with interest was Rs.14,22,128/- due as on the issuance of demand notice.

5. By filing the present Writ Petition, the petitioner has sought for quashing of the demand notices (Annexure-5 series) with a further direction to the Insurance Company to settle the insurance claim of the petitioner with the Bank before raising the demand.

6. Mr. Manoranjan Sahoo, learned counsel on behalf of Mr. Udgata states that the claim admitted by the Insurance Company to the tune of Rs.2,03,738/- was released, whereas the disputed claim is pending adjudication before the competent authority.

None has appeared on behalf of the contesting Bank of Baroda. However, a Memo dated 08.07.2022 has been filed in Court under the signature of Mr. Bigyan Kumar Sharma, Advocate seeking unconditional withdrawal of the writ petition. The Memo be kept on record.

7. In view of the Memo filed, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M. S. Sahoo)
Judge

AKK

July 8th, 2022
Cuttack