IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.142 of 2012 & W.P.(C) No.3007 of 2013

Bijay Kumar Swain .... ***Petitioner***

None for the petitioner
(in both the Writ Petitions)

-versus-

State Bank of India,
Bhubaneswar & Another .... ***Opp. Parties***

Mr. Himanshu Patnaik, Advocate
for the contesting Bank/Opposite Party Nos. 1 and 2
(in both the Writ Petitions)

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)
15.11.2022
(Hybrid Mode)

Order No.

04. **1.** This common order shall dispose of both the aforesaid Writ Petitions as they emerge out of common facts.

2. Petitioner-Bijaya Kumar Swain is stated to be a registered Contractor executing works for the Government of Odisha. He availed a Cash Credit facility to the tune of Rs.20.85 lakhs from State Bank of India, Bhubaneswar in the year 2009. Subsequently the limit was enhanced to the tune of Rs.85 lakhs and availed a Bank guarantee limit of Rs.90 lakhs on 25.03.2009. Due to financial indiscipline, the loan accounts of the petitioner were classified as NPA on 01.04.2011 and a demand notice was issued on 23.12.2011 recalling the entire outstanding liability. It transpires that vide sanction letter dated 16.05.2012, the benefit of a non-discretionary and non-discriminatory OTS Policy, i.e., SBI OTS-MSME 2012 was extended, however which was cancelled as the petitioner did not adhere to the terms and conditions of the sanctioned OTS. Resultantly the Bank proceeded to assume symbolic possession of the three immovable properties offered as a collateral security vide notice dated 28.01.2013 issued under Section 13(4) of the SARFAESI Act, 2002.

3. The petitioner had filed W.P.(C) No.142 of 2012 seeking a direction to the Bank for accepting the offer of Rs.22 lakhs made by the petitioner towards settling the total outstanding liability of around Rs.63 lakhs, while challenging the letter communicating the rejection of such an offer.

4. The petitioner then filed W.P.(C) No.3007 of 2013 challenging the aforesaid notice dated 28.01.2013 assuming symbolic possession of the collateral security.

5. At the time of hearing, learned counsel for the Bank states that both the aforesaid writ petitions have become infructuous in view of the loan accounts itself having been closed since the year 2020 upon deposit of the required amounts under an amicable settlement.

None has appeared on behalf of the petitioner to contest the aforesaid factual contention.

6. In view of the above, both the writ petitions are dismissed as infructuous.

7. Registry is directed to attach a photocopy of this Order in the connected Writ Petition.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK 15th November, 2022
Cuttack