

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10859 of 2021

**M/S. Karmakar Gold Works and
Another**

....

Petitioners

None

-versus-

***Branch Manager, Punjab
National Bank, Cuttack and
Another***

....

Opp. Parties

Mr. S.K. Ghose, Advocate for the Bank

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

**ORDER (Oral)
16.03.2022**

Order No.

- 03.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** The petitioner i.e. the defaulting borrower is seeking to challenge the E-auction notice published on 25th February, 2021 by the Bank/ O.P. No. 1 fixing the auction sale of the mortgaged-dwelling house and land on 31st January, 2022 for recovering of an outstanding liability of around Rs.83,42,015.25 as on 31st January, 2022.
 - 3.** Learned counsel for the Bank submits that the present petition has become infructuous as the said auction fixed for 31st January, 2022 attracted no bidders and therefore has lapsed. He further submits that the petitioner has submitted an OTS proposal of Rs.54 lakhs towards full and final settlement on 19th February, 2022 under a scheme valid till 31.03.2022 without depositing of any upfront amount to invoke the policy in terms and conditions of the said policy. He further submits that on the previous date,

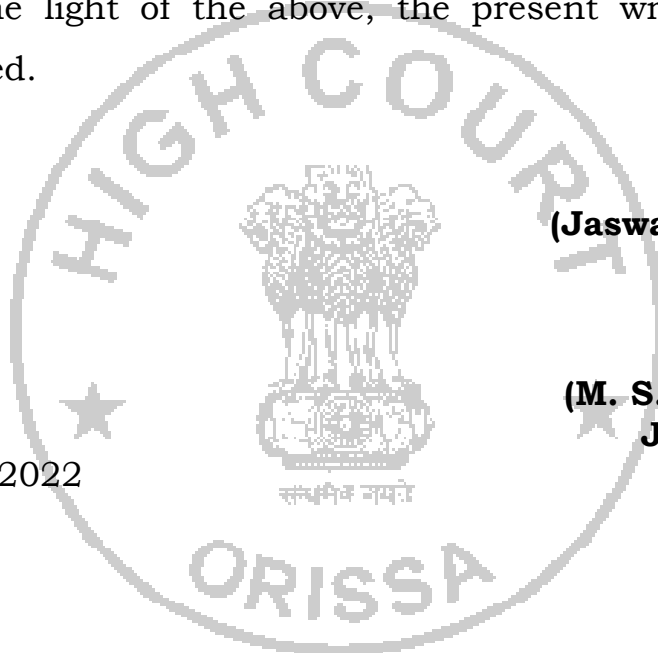
learned counsel for the petitioner was orally suggested to do the needful to avail the benefit

4. In view of the above and as also the mandate of the Hon'ble Supreme Court in a recent judgment in ***The Bijnor Urban Cooperative Bank Limited, Bijnor & others Vs. Meenal Agarwal & others, AIR 2022 SC 56*** to the effect that no directions can be issued by the Court to the Bank to accept the OTS proposals dehors the terms of the policy, we are constrained to dismiss this writ petition.

5. In the light of the above, the present writ petition is dismissed.

March 16th, 2022
Cuttack

Basudev



(Jaswant Singh)
Judge

(M. S. Raman)
Judge