

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23398 of 2013

Janardhan Sahoo

.... Petitioner

Mr. S. Sastary, Advocate

-versus-

***Authorized Officer, State
Bank of Mysore, IDCOL
House, Ashok Nagar,
Bhubaneswar, District-
Khurdha and Another***

.... Opp. Parties

None

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

**ORDER (Oral)
06.07.2022**

Order No.

- 05.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The petitioner is stated to have availed a Cash Credit loan to the tune of Rs.40 Lakhs on 16th March, 2012 from the State Bank of Mysore, Bhubaneswar Branch (now merged with State Bank of India). Due to non-servicing of the loan account, it was declared as NPA on 28th June, 2013. A Demand Notice dated 29th June, 2013 was issued under Section 13(2) of the SARFAESI Act, 2002 (for short, "the Act, 2002") recalling the outstanding liability to the tune of Rs.41,79,749/- plus interest due as on 13th June, 2013. Thereafter by issuance of a notice dated 18th September, 2013 under Section 13(4) of the Act, 2002, symbolic possession of the collateral security/

immovable property was assumed. The challenge laid in the present petition is to the said Notice, as also prayed for issuance of a direction to the Bank/Opposite Party to allow the petitioner to regularize and operate the loan account.

3. On notice, a reply has been filed justifying the issuance of the notices in accordance with the procedures prescribed in the Act, 2002. As regards the upgradation of the loan account, it is submitted that the petitioner has not transacted nor serviced the account since April, 2013. Hence, there is no question of upgradation.

4. At the time of hearing today, learned counsel for the petitioner by filing a Memo prays for permission to withdraw the Writ Petition in view of no instructions being received from the petitioner in spite of due intimation. The Memo be kept on record.

5. In view of the Memo filed, the Writ Petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

06th July, 2022
Cuttack