

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23576 of 2012

Rajendra Prasad Agrawal

.... ***Petitioner***

None

-versus-

***Allahabad Bank, Nayapalli
Branch, Bhubaneswar,
District- Khurda and
Another***

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

Mr. Anindya Kumar Mishra, Advocate for the Bank
Mr. Suraj Mohanty, Advocate for the Intervener

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

**ORDER (Oral)
28.07.2022**

Order No.

- 05.** **1.** This matter is taken up through hybrid arrangement (virtual/physical mode).
- 2.** Petitioner is stated to be a guarantor of the principal debtor, namely Surya Spong Iron Limited, which on account of defaults in servicing the two loan accounts i.e. Cash Credit and Term Loan was facing recovery proceedings under the SARFAESI Act, 2002 (for short, “the Act, 2002”).
- 3.** By filing the present Writ Petition, the guarantor has assailed the issuance of the Sale Notice dated 3rd November, 2012 whereby the collateral securities owned and offered by the Petitioner towards securing the loan have been put for auction sale.

4. At the time of hearing, learned counsel for the Bank and Mr. Suraj Mohanty, learned counsel for the assignee of the debt state that the present Writ Petition has become infructuous in view of the loan account of the principal debtor having itself been settled as acknowledged in the order dated 22nd July, 2022 passed by this Court in W.P.(C) No.2797 of 2013 filed by the principal borrower-debtor.

5. None has put in appearance to refute the aforesaid factual position.

6. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

28th July, 2022
Cuttack