

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No. 3903 of 2013

M/s. East India Steels Limited,
Industrial Area, Rourkela & Others

Petitioner

None

-versus-

Chief General Manager State Bank
of India, Bhubaneswar & Others

Opposite Parties

Mr. Himanshu Pattnaik,
Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
06.07.2022

Order No.

- 06.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** Questioning legality of issue of communication vide letter No. SAMB/BBSR/05/1176 dated 24th January, 2013, whereby the State Bank of India, Stressed Assets Management Branch, Bhubaneswar (Opposite Party No.3) has recommended for inclusion of Name(s) of the Petitioner-Company and its Directors/Guarantors in the list of willful defaulters, the Petitioners challenged the action of the Bank Authorities in the afore-noted writ petition and prayed for quashment of said communication vide Annexure-4.
 - 3.** It is alleged in the writ petition that the Opposite Party No. 3 namely the Deputy General Manager, SAMB, Bhubaneswar acted arbitrarily in suggesting the name of the Petitioner for inclusion in

the list of defaulters which has serious impact offending the rights envisaged under Article 19(1) (g) of the Constitution of India . It is also alleged that reasonable opportunity being heard has not been afforded to the Petitioner before recommending for such inclusion.

4. This Court took up the matter on 25th March, 2013, on which date counsel for the Bank was directed to obtain instruction. Thereafter, the matter was being listed before the Lok Adalat on 9th December, 2017 and 20th February, 2018. It was observed that in spite of repeated listing of the matter, the Petitioner did not co-operate for settlement with the Bank in the Lok Adalat.

5. However, when the matter is taken up on 19th April, 2022 by this Court, none appeared for the Petitioner. On prayer of the counsel for the Bank for enabling him to file reply, the matter is posted today.

6. Accordingly, counter affidavit dated 4th July, 2022 has come to be filed today. It has been asserted that the demand notices under Section 13(2) of the SARFAESI Act, 2002 issued on 18th January, 2013 being not complied, possession notice under Section 13(4) of the SARFAESI Act, 2002 was issued on 29th March, 2013; consequent upon which secured assets have been sold subsequently. It is further asserted in the counter affidavit that the Bank has approached the learned Debts Recovery Tribunal, Cuttack under Section 19 of the Recovery of Debts and Bankruptcy Act, 1993 vide Original Application No.153 of 2013, which is pending adjudication as on date.

7. In view of the fact that, the Petitioner has not co-operated throughout and the matter has been lying before this Court since 2013, the writ petition deserves to be dismissed.

8. Accordingly, the writ petition is dismissed.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

July 6th, 2022
Cuttack

