

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9212 of 2022

Bhagyadhar Dalei

....

Petitioner

Mr. Sidharth Dash, Advocate

-versus-

Union Bank of India and others

....

Opposite Parties

Mr. Tuna Sahu,

Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

30.06.2022

Order No.

05.

1. This matter is taken up through virtual/physical mode.
2. The Petitioner is a defaulting borrower of a cash credit facility availed for a sum of Rs.10.00 lakhs from Union Bank of India, Jajpur Road Branch, Jajpur Road. Due to financial indiscipline, the loan account was classified as NPA on 31st December, 2019. The demand notice dated 7th January, 2020 was issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act, 2002') recalling an outstanding liability of Rs.10,87,000/- as on 7th January, 2022. The symbolic possession of the mortgaged property was assumed by issuance of notice under Section 13(4) of the Act, 2002 on 9th January, 2021.
3. By filing the present writ petition, challenge has been laid to the auction sale notice dated 26th March, 2022 fixing the auction sale of the mortgaged property on 29th April, 2022. The alternative prayer is made for a direction for rephasing of the loan account without specifying or reference to any policy.

4. At the time of hearing, it is conceded that the present writ petition has become infructuous in view of the auction fixed on 29th April, 2022 having failed due to lack of any intending bidders.

5. Accordingly, this writ petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna June, 30th, 2022
Cuttack

