

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13598 of 2021

Ch. Sunil Kumar Patro **Petitioner**
Mr. Pramod Ranjan Behera, Advocate
-versus-
Authorized Officer-cum-Chief **Opp. Parties**
Manager, Bank of Baroda,
Berhampur Main Branch,
Ganjam and another

Mr. K.M.H. Niamati,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

04.04.2022

Order No.

- 05.
1. This matter is taken up through virtual/physical mode.
 2. The Petitioner is a defaulting borrower of a Cash Credit loan availed for a sum of Rs.35.00 lakhs sanctioned on 25th November, 2015 by the Bank of Baroda, Berhampur Main Branch, Berhampur. Due to lack of financial discipline, the C.C. limit account was classified as NPA on 5th March, 2019. The demand notice under Section 13(2) of the SARFAESI Act, 2002 (in short, 'the Act, 2002') was issued on 10th March, 2019 and symbolic possession assumed on 16th July, 2019 by issuance of notice under Section 13(4) of the Act, 2002.
 3. By filing the present writ petition on 8th April, 2021, challenge has been laid to the e-auction notice dated 24th February, 2021 fixing the auction sale of the secured asset on 30th March, 2021.

4. At the time of hearing, Mr. K.M.H. Niamati, counsel for the Bank states that the auction on the aforesaid date was successfully conducted and upon deposit of entire sale price, the sale certificate stands issued in favour of the auction purchaser. He further states that as of now the DRT, Cuttack has started functioning, the proper remedy for the Petitioner would be to file an application under Section 17 of the Act, 2002 before the DRT, Cuttack.

5. In view of the above, counsel for the Petitioner prays for permission to withdraw the present writ petition to enable the Petitioner to avail his remedy under Section 17 of the Act, 2002.

6. It is clarified that in case the remedy is availed within 30 days from today, the Bank will not raise the issue of limitation in view of the prevailing circumstances at the relevant time. The bank is directed to furnish the details of the auction purchaser to the Petitioner at the earliest.

7. Accordingly, this writ petition is disposed of as withdrawn.

Issue urgent certified copy as per Rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna

April 4th, 2022
Cuttack