IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 10767 of 2022

Rama Chandra Panigrahi and Others .... ***Petitioner***

Mr. K.M.H. Niamati, Advocate

-versus-

Authorised Officer, Union Bank of India, Regional Officer, Berhampur and Another .... ***Opp. Parties***

Mr. Amiya Kumar Mishra-2, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **12.07.2022**

03. **1.** This matter is taken up through virtual/physical mode.

2. The Petitioner No.1 is a partnership firm of which Petitioner No.2 and Petitioner No.3 are partners. The Petitioner No.1 is stated to have availed Cash Credit facilities to the tune of Rs.30 lakhs from Union Bank of India, Courtpeta Branch, Berhampur. Due to non-servicing of the account, it was classified as NPA on 31.03.2021 leading to the demand notice dated 08.04.2021 being issued under Section 13(2) of the SARFAESI Act, 2002 (for short "the Act, 2002") recalling an outstanding liabilities of Rs.30,27,000/- approximately. Symbolic Possession of the Secured Assets/Mortgaged property was assumed on

18.11.2021 by issuance of notice under Section 13(4) of the Act, 2002.

3. Subsequently, the E-auction sale notice was issued on 11.04.2022 fixing the auction sale of the mortgaged property on 29.04.2022.

4. Upon the inclination of the petitioner to clear the entire outstanding liability and close the account, the following order was passed on 06.05.2022:-

> "**1.** This matter is taken up through virtual/physical mode.
>
> **2.** It is contended that the outstanding liability in the NPA loan account is around Rs.26.00 lakhs as on today. The last auction sale fixed for 29th April, 2022 has admittedly failed for want of any bidder
>
> The limited prayer is for grant of three months time to pay the entire liability and close the account.
>
> **3.** Issue Notice for 28th June, 2022.
>
> Mr. Amiya Kumar Mishra-2, Advocate filing Vakalatnama in Court today, which is taken on record, has entered appearance on behalf of both the Opposite Parties-Bank.
>
> Let requisite number of copies of the writ petition be served on him within three working days.
>
> As an interim measure, subject to the Petitioners depositing a sum of Rs.15.00 lakhs with the Bank before the next date, no further coercive steps shall be taken. The Petitioners are to also file an undertaking to clear the remaining balance including interest and other expenses within next two months of such deposit.
>
> Issue urgent certified copy as per rules."

5. At the time of hearing, learned counsel for the Bank states that the petitioners have not deposited a single penny in compliance of the aforesaid orders.

6. At this stage, learned counsel for the petitioners prays for permission to withdraw the writ petition to enable the petitioners to approach the Bank for seeking their further remedy in accordance with law.

7. In view of the above prayer, the writ petition is dismissed as withdrawn with aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

Basudev 12th July, 2022
Cuttack