IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12105 of 2022
I.A. No.7439 of 2022

Nibedita Behera .... **Petitioner**
Mr. B. Pasayat, Advocate

-versus-

The AO, CM. UCO Bank, Balasore & Anr. .... **Opposite Parties**
Mr. B.B. Swain(appearing for O.P. No.2-Bank)

COROM:
JUSTICE S.K. SAHOO
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
02.06.2022

Order No

01. **1.** This matter is taken up through Hybrid Mode.

2. Heard Mr. B. Pasayat, learned counsel for the Petitioner and Mr. B.B. Swain, learned counsel appearing for the Opp. Parties.

3. The Petitioner initially filed the writ Petition challenging the communication dtd.20.04.2022 issued by Opp. Party No. 2-Bank under Annexure-6. But during pendency of the matter before this Court when the Sale Notice was issued by the Opp. Party No.2-Bank on 12.05.2022, I.A. No.7439 of 2022 was filed with a prayer to stay the E-Auction Sale Notice issued on 12.05.2022.

5. It is submitted that Petitioner is ready and willing to settle the loan account through one time settlement and

make some payment along with the application. Mr. Swain, learned counsel appearing for the Opp. Party No. 2-Bank submitted that the outstanding as on date will be around 14,05,000/- (Fourteen lakhs five thousand). Taking into account the submission made by the learned counsel appearing for the Petitioner it is observed that if the Petitioner deposits 25% of the outstanding and make an application for one time settlement within a period of 2(two) weeks from today, O.P. No. 1 shall take a lawful decision on the same within a further period of 2(two) weeks by giving a personal hearing to the Petitioner. Till such a decision is taken by O.P. No. 1, no coercive action shall be taken against the Petitioner.

6. It is however observed that the Auction Sale pursuant to notice dtd.12.05.2022 may continue, but no final decision shall be taken prior to consideration of the Petitioner's claim. It is further observed that if the Petitioner fails to deposit the amount within the time indicated hereinabove, Opp. Party-Bank shall be at liberty to proceed in accordance with law.

7. The writ Petition is disposed of accordingly.

(S.K. Sahoo)
Vacation Judge

(Biraja Prasanna Satapathy)
Vacation Judge

Sneha