

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 13279 of 2022

Amarendra Mohanty

....

Petitioner

Mr. Satyaranjan Acharya, Proxy Counsel on
behalf of Mr. Susanta Kumar Baral, Advocate

-versus-

***Authorized Officer, State Bank of
India, Jagatsinghpur & Another***

Opposite Parties

Mr. G.D. Kar, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
09.09.2022

Order No.

05. 1. This matter is taken up by virtual/physical mode.
2. The Petitioner, defaulting borrower, availed Housing Loan to the tune of Rs.2,60,000/- from State Bank of India, Chasakhanda Branch in the district of Cuttack in the month of November, 2009. The said amount was required to be repaid in 60 monthly equated instalments with EMI fixed at Rs.7,776/-. Due to financial indiscipline, the loan account was classified as NPA on 30th April, 2012 and a demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 18th January, 2022, recalling an outstanding liability of Rs.4,14,816/- due as on 17th January, 2022. By issuance of notice under Section 13(4) of the SARFAESI Act, 2002, symbolic possession was assumed on 28th March, 2022.
3. Challenging the notice dated 28th March, 2022 under Section 13(4) of the SARAFAESI Act, 2002, the Petitioner has approached this Court by way of writ petition. Vide order dated 24th June, 2022, this Court had directed the Petitioner to deposit a

sum of Rs.1,00,000/- upfront and rest amount to be paid within six months. Further order has been passed on 6th July, 2022, this Court passed the following order which is extracted herein below:-

“2. Learned Counsel for the Bank states that the Petition has not complied with the directions contained in the previous order.

3. Learned counsel for the Petitioner prays for one last opportunity to do the needful in terms of the previous order.

4. List on 10th August, 2022 for further consideration.

5. It is clarified that if the needful is not done before the next date, the writ petition shall be dismissed without any further indulgence.

4. When the matter is taken up today, counsel for the Petitioner states that he has no instruction. It shows that the Petitioner is no longer interested to pursue the matter.

5. In such view of the matter, the writ petition stands dismissed.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge