

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21285 of 2015

Manoranjan Sundaray

....

Petitioner

Mr. Saswat Anuvav, Proxy Counsel,
on behalf of Mr. A.N. Pattanayak, Advocate

-versus-

***Authorised Officer-cum-
Chief Manager, Punjab
National Bank, Circle
Office, Deen Dayal Bhawan,
Ashok Nagar, Janpath,
Bhubaneswar, District-
Khurda & Others***

....

Opposite Parties

Ms. Pinky Jena, Proxy Counsel
on behalf of Mr. Anjan Kumar Jena, Advocate
(for O.P. Nos.1 and 2)

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. RAMAN**

**ORDER (Oral)
14.09.2022**

Order No.

07.

This matter is taken up through virtual/physical mode.

1. Petitioner is one of the eight guarantors for a Cash Credit facility to the tune of Rs.10 Crores availed by M/s. Global Trading Solutions Limited/O.P. No.3 (a Private Limited Company) from Punjab National Bank, Station Square Branch, Bhubaneswar in the year 2011. The petitioner along with seven others had mortgaged their properties as a collateral security to secure the loan. Due to non-servicing of the account, the same was declared as NPA on 31.03.2015 and a demand notice dated 18.05.2015 under Section 13(2) of the SARFAESI Act, 2002 (for short "the Act, 2002") was issued recalling an outstanding amount of around Rs.41 Crores. The symbolic possession of the mortgaged

properties including owned by the petitioner is stated to have been assumed on 20.07.2015 by issuance of a demand notice under Section 13(4) of the Act, 2002.

2. The petitioner by way of the present writ petition has challenged the e-auction sale notice dated 16.11.2015 fixing the auction sale of the mortgaged properties including the property owned by the petitioner on 02.12.2015.

3. The record bears out that since the filing of the writ petition on 27.11.2015 till today, no efforts have been made to get the matter listed.

4. At the time of hearing today, learned counsel for the Bank states that the property owned by the petitioner was sold on the appointed date and the challenge to the sale notice is thus become infructuous.

On the other hand, learned counsel for the petitioner has filed a Memorandum dated 14.09.2022 seeking an unconditional withdrawal of the writ petition. The Memo be kept on record.

5. In view of the Memo filed, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

14th September, 2022
Cuttack