

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13523 of 2022

M/s. Daga **Petitioner**
Communication, Nuapada

Mr. B.K. Routray, Advocate

-versus-

The Branch Manager,
Punjab National Bank,
Nuapada & another **Opp. Parties**

Mr. G.N.Mishra, Advocate

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

ORDER
31.05.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Mr. G.K.Mishra, learned counsel files his appearance memo for appearing on behalf of the opposite party-Bank in Court today, which is taken on record.

Heard the learned counsel for the petitioner and learned counsel for the Bank.

The petitioner M/s.Daga Communication has filed this writ petition challenging the e-auction notice dated 03.05.2022 published in the Odia Daily 'Sambad'.

Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit 25% (twenty five) percentage of the outstanding dues and file an application for One Time Settlement before the opposite party no.1 and necessary order may be passed to consider the said application for One Time Settlement giving opportunity of hearing to the petitioner.

Mr. G.K.Mishra, learned counsel appearing for the opposite party-Bank though has no serious objection to the aforesaid submission, but submitted that some time limit may be fixed for such deposit and consequential order may be passed in case of failure of the petitioner to deposit such amount within the time stipulated.

Considering the submissions made by the learned counsel for the respective parties, this writ petition is disposed of with a direction that in case the petitioner deposits 25% (twenty five) percentage of the outstanding dues against him within a period of two weeks from today and files an application for One Time Settlement of the dues before the opposite party no.1 within that time, the same shall be considered by giving opportunity of hearing to the petitioner. It is made clear that the process of auction which is supposed to be held in pursuance of the e-auction sale notice under Annexure-5 shall continue, but the same

shall not be finalized till a decision is taken on the petitioner's application. In the event the petitioner fails to deposit the amount as directed within the time stipulated, the opposite party-Bank is at liberty to finalize the e-auction sale in accordance with law.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Vacation Judge

(Biraja Prasanna Satapathy)
Vacation Judge



PKSahoo