IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13706 of 2022

Kalandi Charan Mohanty …. ***Petitioner***

Mr.S.K. Padhi, Advocate

-versus-

Chief General Manager, S.B.I., Jawaharlal Nehru Marg, Bhubaneswar and another …. ***Opp. Parties***

Mr.G.D. Kar, Advocate

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

ORDER
02.06.2022

Order No.

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

Heard Mr. S.K. Padhi, learned counsel for the petitioner and Mr. G.D. Kar, learned counsel for the opposite party–Bank.

The petitioner Kalandi Charan Mohanty has filed this writ petition seeking for a direction to the opposite party–Bank to dispose of his representation for One Time Settlement of housing loan within a stipulated time.

It appears from the demand notice issued by the opposite party-Bank under section 13(2) of the

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter the 'SARFAESI Act') under Annexure-2 that the outstanding loan dues against the petitioner as on 09.11.2021 is to the tune of Rs.2,35,180/-(rupees two lakhs thirty five thousand one hundred eighty).

Learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit 25% of the outstanding dues and make an application for One Time Settlement/settlement of the loan dues and direction may be given to the opposite party-Bank to consider the same giving opportunity of hearing to the petitioner.

Considering the submissions made by the learned counsel for the respective parties, without entering into the merits of the case, this writ petition is disposed of with a direction that if the petitioner deposits 25% of the outstanding dues and files an application for One Time Settlement/settlement of the loan dues within a period of two weeks from today before the opposite party no.1, the same shall be considered in accordance with law by giving opportunity of hearing to the petitioner within a further period of two weeks and the decision taken thereon shall be communicated to him. It is made clear that in the event the petitioner fails to deposit the amount as directed within the time stipulated, the

opposite party-Bank is at liberty to take steps against the petitioner in accordance with law. Till consideration of such application for One Time Settlement/settlement of the loan dues, no coercive action shall be taken against the petitioner.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Vacation Judge

(Biraja Prasanna Satapathy)
Vacation Judge

PKSahoo