

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P. (C) No.13956 of 2022**

***Uttam Paswan***

....

***Petitioner***

Mr. S.K. Baral, Advocate

-versus-

***Authorized Officer, Union Bank of  
India, Regional Office,  
Bhubaneswar & Another***

***Opposite Parties***

Mr. Tuna Sahu, Advocate for Bank

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

**ORDER (Oral)**

**14.07.2022**

**Order No.**

- 02.**
- 1.** This matter is taken up by virtual/physical mode.
  - 2.** On 21<sup>st</sup> February, 2022, the Opposite Party No.1 i.e., Authorized Officer, Union Bank of India, Bhubaneswar published sale notice in Odia Daily inviting online auction sale of different properties fixing date of auction on 10<sup>th</sup> March, 2022. Petitioner claims to have deposited EMD for an amount of Rs.2,43,100/- on 10<sup>th</sup> March, 2022 and participated in the bid and been declared successful. He was required to deposit 25% of the total bid amount by the next date and rest 75% within 15days thereafter.
  - 3.** Mr. Tuna Sahu, counsel for the Bank submitted that the amount of EMD has been forfeited in terms of Rule 9(3) of the Security Interest (Enforcement) Rules, 2002 and therefore, the prayer for refund of amount of Rs.2,43,100/- as stated to have been deposited by the Petitioner does not warrant to consideration for refund.

4. It is submitted by the counsel for the Bank that the Petitioner being declared successful bidder was required to deposit 25% of the bid amount immediately that is on the same date of sale of the secured asset or on the next working date. But in the instant case, the Petitioner has failed to do so. Therefore, there was no option left for the Bank to forfeit the EMD in terms of Rule 9(3) of the Security Interest (Enforcement) Rules, 2002.

5. In view of such submission, the transaction of sale and purchase being contractual in nature, there is a little scope for this Court to intervene more particularly when the Petitioner has defaulted in terms of Rule 9(3) of the Security Interest (Enforcement) Rules, 2002.

6. Accordingly, the writ petition is dismissed.

Issue urgent certified copy as per rules.

**(Jaswant Singh)**  
**Judge**

**(M.S. Raman)**  
**Judge**