

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14044 of 2022

Kuber Bhutia

....

Petitioner

Mr.B.Mohapatra, Advocate

-versus-

***A.O., UCO Bank, Talcher
and another***

....

Opp. Parties

Mr. B.N. Udgata, 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. B.Mohapatra, learned counsel for the petitioner and Mr. B.N. Udgata, learned counsel for the opposite party-Bank.

The petitioner Kuber Bhutia has filed this writ petition challenging the possession notice dated 06.05.2022 issued by the opposite party-Bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter the 'SARFAESI Act') under Annexure-2.

Mr. B.N. Udgata, learned counsel appearing for

the opposite party-Bank on instruction submitted that the outstanding dues against the petitioner as on date is to the tune of Rs.8,40,654/- (rupees eight lakhs forty thousand six hundred fifty four).

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. On deposit of such amount by the petitioner within the time stipulated, the physical possession of the property in question shall be handed over to the petitioner.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Vacation Judge

(Biraja Prasanna Satapathy)
Vacation Judge



PKSahoo