IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.14303 of 2022

Sai Marketing & Another .... ***Petitioners***

Miss. Prangya Mohanty, proxy counsel on behalf of Mr. Samir Kumar Misha, Advocate

-versus-

Union Bank of India & Another .... ***Opp.parties***

Mr. Tuna Sahu, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **25.07.2022**

05. **1.** This matter is taken up by virtual/physical mode.

2. Petitioner No.1- Sai Marketing, proprietorship concern of Sri N. Rajesh Choudhary availed a cash credit loan facility for running the business from Union Bank of India, Belaguntha Branch, Berhampur in the district of Ganjam for an amount of Rs. 20,00,000/-, whereas the Petitioner No.2-U.Rajarani, wife of the proprietor of the said business concern availed a housing loan facility of Rs.15,00,000/- with repayment schedule fixed for 120 EMIs @ Rs.18,598/- per month. For both the loans, the said property was given as security. Due to financial irregularity in repayment, both the loan accounts were classified as NPA on 31st March, 2021, consequent upon which the notice dated 9th April, 2021 under Section 13(2) of the SARFAESI Act was issued recalling an amount of Rs.22,37,740.43 standing as on 31st March, 2021 in respect of cash credit limit of Rs.20,00,000/- and another notice dated 9th April, 2021 was issued recalling an amount of Rs. 16,37,286.26 in respect of housing loan.

Since there was no response from the side of the Petitioners, on 26th October, 2021, symbolic possession was assumed by issuance of notice under Section 13(4) of the SARFAESI Act. On two occasions, as per the statement of the counsel for the Bank, the e-auction sale notice(s) got frustrated for non-availability of intending bidder. However, pursuant to notice dated 4th May, 2022, the auction sale took place on 20th May, 2022 with highest bidder for an amount of Rs. 37,66,000/- and sale certificate was issued in favour of the auction purchaser.

3. Mr. Tuna Sahu, counsel for the Bank submitted that on 14th June, 2022, the Petitioners have already filed SARFAESI Application being S.A. No. 80 of 2022 challenging the auction sale notice dated 4th May, 2022 before the DRT, Cuttack and as on 31st May, 2022, the outstanding loan liability stands at Rs.36,61,000/- in respect of both the loan accounts.

4. Miss. Pragyan Mohanty, proxy counsel on behalf of Mr. Samir Kumar Mishra, counsel for the Petitioners at this stage submitted that the Petitioners do not want to press this writ petition, which has been rendered infructuous.

5. In view of the above submission, the writ petition stands dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks July 25, 2022
Cuttack