

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14389 of 2022

***M/s. Stapati Interiors (P)
Ltd., Puri***

.... Petitioner

Mr. S.S. Das, Advocate

-versus-

***Odisha Gramya Bank, Opp. Parties
Bhubaneswar and others***

Mr. Tuna Sahu, Advocate

**CORAM:
JUSTICE S.K. SAHOO
And
JUSTICE MURAHARI SRI RAMAN**

**ORDER
10.06.2022**

Order No.

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

Learned counsel for the petitioner seeks permission to implead the Presiding Officer, Debts Recovery Tribunal, Cuttack Bench, Cuttack as opposite party no.6 in Court today.

Permission is granted.

Heard Mr. S.S. Das, learned counsel for the petitioner and Mr. Tuna Sahu, learned counsel for the opposite parties-Bank.

The petitioner has filed this writ petition with a prayer to quash the order dated 03.06.2022 passed

by the Recovery Officer, Debts Recovery Tribunal, Cuttack, the opposite party no.4 in Recovery Proceeding No.113 of 2015.

Mr. Tuna Sahu, learned counsel appearing for the Odisha Gramya Bank, Bhubaneswar submitted that the property has already been auctioned and sale certificate has been issued in favour of opposite party no.5 Visiontek Consultancy Services Private Limited represented by its Managing Director, Chandka Industrial Estate, Patia, Bhubaneswar, Khordha. He further submitted that the impugned order is appealable one and no appeal has yet been preferred.

It appears from Annexure-15 that the outstanding loan dues against the petitioner as on 25.05.2022 is to the tune of Rs.4, 50,48,402.88 paise (rupees four crores fifty lakhs forty eight thousand eighty eight paise) but the property in question was auctioned to the tune of Rs.4,55,70,000/-.

Learned counsel for the petitioner submitted that the Recovery Officer on 03.06.2022 after considering the objection filed by the CDR against I.A. no.39 of 2022 and I.A. no.38 of 2022 disallowed the objection and rejected the same and the I.A. filed by the CHB has been allowed.

Learned counsel for the petitioner submitted that apart from the statutory appeal, an application has been filed for exemption of the statutory deposit as per section 30-A of the Recovery of Debts and

Bankruptcy Act, 1993 which is subjudiced and a direction may be issued to the concerned authority to consider the same in accordance with law.

Considering the submissions made by the learned counsel for the respective parties, without entering into the merits of the case, we dispose of the writ petition directing the opposite party no.6- the Presiding Officer, Debts Recover Tribunal Cuttack Bench, Cuttack to dispose of the interlocutory application of the petitioner, if pending, within a period of four weeks from today in accordance with law after hearing all concerned.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Vacation Judge

(M.S. Raman)
Vacation Judge