IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17569 of 2022

Bishnu Charan Sahoo .... ***Petitioner***

Mr. A.K. Jena, Advocate

-versus-

Authorised Officer, State Bank of India, Jagatsinghpur and another .... ***Opp. Parties***

Mr. M.K. Mohapatra, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE G. SATAPATHY

ORDER
16.12.2022
(Hybrid Mode)

Order No.

04. **1.** Praying inter-alia to settle his loan account by way of OTS, the petitioner has filed this writ petition to quash the notice dated 27.06.2022 issued by O.P.No.1-Authorised Officer, State Bank of India, Jagatsinghpur ADB Branch, Jagatsinghpur U/S.13(4) of the SARFAESI Act at Annexure-5 by which the symbolic possession of property mortgaged by the petitioner to secure the loan was stated to be assumed by O.P.No.1.

2. Petitioner is the defaulter in the housing loan availed from S.B.I., ADB Branch, Jagatsinghpur for an amount of Rs.4,00,000/- approximately for a period of 15 years with effect from 19.03.2015 at an EMI of Rs.4,531/-, but for the default in installments since May, 2021, the loan account of the petitioner has been classified as NPA on 18th July, 2021 and recovery process under SARFAESI Act, 2002 has been initiated and O.P. No.1 has accordingly issued a notice dated 27.06.2022 U/S. 13(4) of the SARFAESI Act against an outstanding dues of Rs.1,71,859.41 as on 01.11.2021 plus interest and other expenses thereon at Annexure-5 which has been sought for to be quashed in this writ by the petitioner.

3. Mr. A.K. Jena, learned counsel for the petitioner submits upon instruction that the petitioner-Bishnu Charan Sahoo, a KCC loan customer of SBI, Balikuda Branch has settled his loan account in RA/AUCA No.-37678554386 with the Bank in Bank's Lokadalat held on 12.11.2022 and the Bank has issued a "No Due Certificate" to the petitioner in respect of aforesaid loan account. In support of such submissions, learned counsel for the petitioner files the copy of aforesaid "No Due Certificate" issued by Branch Manager, SBI, Balikuda on 15.11.2022 along with copy of deposit slip of Bank dated 06.12.2022 reflecting payment of Rs.68,300/-.

4. Mr. M.K. Mohapatra, learned counsel for the Opposite Parties by filing a photocopy of Scheme For One Time Settlement 2022-2023 (RINN SAMADHAN 22-23) submits that the Bank has sanctioned OTS to the petitioner and, accordingly, the loan account of the petitioner has been settled.

5. In view of the aforesaid submissions made by the parties and taking into consideration the "No Due Certificate" issued by the Bank together with document of settlement reflecting sanction of OTS to the petitioner, thereby, relief as sought for by the petitioner in the writ petition having been redressed, there appears nothing to be adjudicated upon in this writ petition and the same being infructuous is hereby disposed of accordingly.

(Jaswant Singh)
Judge

(G. Satapathy)
Judge

Kishore

16th December, 2022
Cuttack