

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17727 of 2022

***Shree Ganesh Fly Ash
Bricks***

.... Petitioner

Mr. Pabitra Kumar Behera, Advocate

-versus-

***Authorized Officer and
Chief Manager, UCO Bank,
Zonal Office, Balasore,
District-Balasore and
Another***

.... Opp. Parties

Mr. Bibhuti Bhusan Swain,
Advocate for the Bank

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

**ORDER (Oral)
10.08.2022**

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. Petitioner is a Proprietorship concern of Subhrajit Nayak who had availed Cash Credit facility for a sum of Rs.8,98,000/- and a Term Loan of Rs.22,70,000/- from UCO Bank, Marshaghai Branch, District-Kendrapara on 29th March, 2014. Due to financial indiscipline, both the loan accounts were classified as NPA on 31st December, 2015 leading to issuance of a Demand Notice dated 13th June, 2016 under Section 13(2) of the SARFAESI Act, 2002 (for short, “the Act, 2002”) recalling an outstanding aggregate amount of Rs.12,11,695/- due as on the date of issuance of the notice. Subsequently, the

symbolic possession of the mortgaged property was assumed on 28th December, 2017 by issuance of a Demand Notice under Section 13(4) of the Act, 2002.

3. The present Writ Petition has been filed assailing the E-auction Sale Notice dated 13th June, 2022 fixing the auction sale of the mortgaged property on 18th July, 2022 for recovery of the outstanding liability, stated by the learned counsel for the Bank at the time of hearing to be touching around Rs.20 Lakhs.

Learned counsel for the Bank states that the auction sale fixed on 18th July, 2022 has since failed for lack of any intending bidders and thereby the present Writ Petition has rendered infructuous keeping in view the sole prayer of challenging the auction notice.

Learned counsel for the petitioner is unable to refute the aforesaid factual situation.

4. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

10th August, 2022
Cuttack