IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 834 of 2016

Kalandi Charan Sahoo @ Kalandi Sahoo .... ***Petitioner***

None

-versus-

Brundaban Nair, Chairman Odisha Gramya Bank, Godamunda, Bhubaneswar .... ***Opposite Party***

Mr. Tuna Sahu, Advocate with
Mr. Sandeep Mishra, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER
23.03.2022

Order No.

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

2. This contempt petition has been filed by the Petitioner alleging that the Branch Manager of Odisha Gramya Bank, Salapada Branch, Keonjhar to flouted the order dated 8th January, 2016, passed by this Court in W.P. (C) No. 23795 of 2015 and that the direction of this Court has not been complied with.

3. It appears from the petition that pursuant to order dated 13th February, 2015 passed in Pre-Litigation Case No. 99 of 2015, the Petitioner deposited Rs.3.00 lakhs with the Bank and accordingly claims to have settled dispute. Since the Manager of Odisha Gramya Bank, Keonjhar did not issue "No Objection Certificate" , the

Petitioner approached this Court for a direction and accordingly, this Court vide order dated 8th January, 2016 passed the following order:-

> "Heard Mr. P. Das, learned counsel for the Petitioner and Ms. Rina Nayak, learned counsel, who submits that she has instruction to appear on behalf of the Opposite Party- Bank in the matter.
>
> Learned counsel for the Petitioner submits that a representation dated 16th July, 2015 has been made by the Petitioner to the Chairman, Odisha Gramya Bank under Annexure-5 prayed for issue of No Objection Certificate (NOC) in view of settlement arrived at between the parties in the lok adalat.
>
> Without expressing any opinion on the same, we direct the Chairman, Odisha Gramya Bank (Opposite Party No.1) to consider the representation of the Petitioner and dispose of the same on its own merit in accordance with law within a period of four weeks from today."

4. On 11th March, 2022, none appeared but on 21st March, 2022, counsel for the Bank prayed for a day's accommodation to apprise the Court about the present status of the loan account.

5. Accordingly, the matter is taken up today. Mr. Tuna Sahu, counsel for the Bank has placed for perusal the letters dated 4th February, 2016 and 22nd March, 2016 issued by the Bank. Vide letter dated 4th February, 2016, the General Manager of the Bank requested the Petitioner to submit representation along with copy of writ petition bearing W.P(C) No. 23795 of 2015. From the order dated 22nd February, 2016 addressed to the Petitioner, it is revealed as follows:-

> "That as depicted from the photocopy of the order dated 14.02.2015 passed by the learned 'Permanent Lok Adalat', there was no final adjudication of the matter and no 'Decree' to that effect has been drawn by the said Hon'ble Adalat. The fact of which too has been averred by you in the captioned writ application.

> Furthermore, as informed by the afore mentioned branch, there is still loan account outstanding in the loan account in question. In the event of the outstanding loan amount in the account, no 'No Due' certificate as requested by you can be issued. It is pertinent to mention here that the loan that is being financed in shape of loan is nothing but the public money and the bank is only the custodian of such money and it goes without saying that it is the bounden duty of the Bank to get such financed money back to the Bank.
>
> In view of the above facts, you are hereby once again requested to pay back the outstanding loan amount and the bank will have no hesitation to issue the 'No Due Certificate' thereafter to you.
>
> Your representation is hereby disposed of in the manner as aforementioned."

6. Since the Petitioner seems not to have discharged his loan liability and his representation has been duly considered by the Opposite Party-Bank, this contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Raman)
Judge

Laxmikant

March 23rd , 2022
Cuttack