

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18285 of 2022

Akash Mohanty

.... Petitioner

Ms. Bishnupriya Pani, Advocate

-versus-

***The Branch Manager, UCO
Bank, Dompada Branch,
Banki, District-Cuttack and
Another***

.... Opp. Parties

Mr. B. N. Udgata,
Advocate for the Bank

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

**ORDER (Oral)
13.09.2022**

Order No.

04. This matter is taken up through virtual/physical mode.

1. Petitioner is defaulting borrower of a Cash Credit loan amount availed to the limit of Rs.10,00,000/- from UCO Bank, Zonal Office, Dompada Branch, Cuttack in October 2005. Due to non-servicing of the account, the loan account was classified as NPA on 2nd December, 2010 and a Demand Notice issued on 4th February, 2011 recalling the outstanding liability of Rs.13,64,123/- along with incidental expenses, cost and charges due as on that date. Subsequently, the symbolic possession of the mortgaged property was assumed on 2nd August, 2011 by issuance of a Notice under Section 13(4) of the SARFAESI Act, 2002 (for short, “the Act, 2002”).

2. By filing the present Writ Petition, a mandamus has been sought for settlement of the dispute under an OTS scheme.

3. At the time of hearing, learned counsel for the Bank states that for an outstanding liability of around Rs.44,71,000/- in July, 2022, the auction sale of the mortgaged property was successfully conducted on 29th August, 2022 for an amount of Rs.35,35,000/- in favour of Amitabh Ghadei, S/o- Atul Chandra Ghadei, At-Dantia, House No.53, Po-Bhaluka, Kendujhar.

Ms. Bishnupriya Pani, Advocate on behalf of Mr. Raghunath Das Mohapatra has filed a memo seeking permission to withdraw the present Writ Petition to enable the petitioner to pursue his remedy before the DRT, Cuttack. The memo be kept on record.

4. In view of the above, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Sipun

13th September, 2022
Cuttack