

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18366 of 2022

M/s. J.B. Automobiles

.... Petitioner

Mr. T.K.J. Samanta, Advocate

-versus-

***The Collector & District
Magistrate, Jagatsinghpur
& Another***

.... Opp. Parties

Mr. Manoj Kumar Mohapatra-1
Advocate for the Bank

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

**ORDER (Oral)
22.08.2022**

Order No.

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

2. Petitioner, a Partnership Firm is stated to have availed a Cash Credit Facility for a sum of Rs.30 lakhs from State Bank of Hyderabad, Paradeep Branch (now merged with State Bank of India) on 23.12.2011. Due to financial indiscipline, the loan account was classified as NPA on 29.01.2014 and a Demand Notice under Section 13 (2) of the SARFAESI Act, 2002 was issued on 07.02.2014 recalling the outstanding liability of Rs.31,07,511/- as on 31.01.2014. Subsequently symbolic possession was assumed on 29.04.2011 and the E-auction sale of the Secured Asset fixed for 28.06.2022 is stated to have failed. The Bank is in the process of taking over of the actual physical possession of the mortgaged

property/secured asset pursuant to the order dated 07.07.2022 passed by the District Magistrate, Jagatsinghpur.

3. At the time of hearing, learned counsel for the petitioner realizing that the pleadings of the writ petition are not correct and prays for permission to withdraw the same with liberty to file a fresh one with better particulars.

Learned counsel for the Bank has no objection.

4. In view of the above, the writ petition is dismissed as withdrawn with permission to file a fresh one with better particulars.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

22nd August, 2022
Cuttack