

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.23164 of 2021

Smt. Manjari Agarwal

....

Petitioner

Miss. Subhalaxmi Devi, Advocate

-versus-

The Authorized Officer, Punjab

....

Opp.parties

National Bank & Others

Mr. Ranjit Sahoo, Advocate for Bank

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

ORDER (Oral)

25.07.2022

Order No.

- 05.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** The Petitioner-guarantor and mortgager for the cash credit loan for an amount of Rs.55,00,000/- availed by M/s. K.D. Enterprisers, approached this Court challenging the e-auction sale notice dated 27th July, 2021 on the ground of non-compliance of mandatory requirement laid down under Section 13(4) of the SARFAESI Act.
 - 3.** This Court on 10th August, 2021 passed the following order:-

“XXX

XXX

XXX

5. He drew attention of the Court to the notice under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as at Annexure-6 and submitted that it was signed on 26.07.2021 and the postal receipt shows that

the auction has posted to 28.07.2021 and the petitioner received the same on 13.07.2021. Auction has been fixed to 12.08.2021. So, there is clear violation of the 1st proviso of Rule-9 of the Security Interest (Enforcement) Rules. Hence, issue notice.”

4. At the time of hearing today, Mr. Ranjit Sahoo, counsel for the Bank submitted that auction scheduled to be held on 12th August, 2021 pursuant to notice dated 26th July, 2021 failed due to non-participation of any bidder. He, therefore, submitted that the writ petition has been rendered infructuous.

5. In view of the said submission, the writ petition stands dismissed as infructuous.

