

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23250 of 2021

Nityananda Mishra

....

Petitioner

Mr. Subas Chandra Das, Advocate

-versus-

**Senior Manager, Canara Bank
& another**

....

Opp.parties

None

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

ORDER (Oral)

01.11.2022

Order No.

1. This matter is taken up through hybrid mode.

1. The petitioner is stated to have raised a loan of Rs.2.00 lakhs in the year 2005 from Canara Bank, Sahadevkhunta Branch, Dist-Balasore. He is stated to have paid a sum of Rs.1,30,000/- till 13th October,2016. Due to non-payment of the instalments, the petitioner was facing recovery process under the SARFAESI Act,2002.

2. The petitioner is stated to have filed W.P.(C) No.1897 of 2016 which was disposed of by a Division Bench of this Court with the direction to the Bank to consider an application to be filed for One Time Settlement by the petitioner along with a deposit of 10% of the outstanding amount, in accordance with the RBI guidelines.

3. It is claimed that in compliance of the aforesaid order, the petitioner had made offer for an amount of Rs.3.00 lakhs towards the full and final settlement, which was

rejected by the Bank vide letter dated 9th March, 2016 (Annexure-3) as not acceptable in view of the realizable value of the secured assets being much more than the outstanding liability of Rs.9,56,647/- as on that day.

4. The present petition has been filed praying for issuance of writ of mandamus directing the Bank to issue No Objection Certificate (NOC) in light of the petitioner having deposited the entire amounts as per the sanction OTS although not a single averment has been made nor any letter issued by the Bank placed on record to establish that the Bank has ever accepted any OTS proposal specifying a particular amount offered by the petitioner.

5. At this stage, the learned counsel for the petitioner prays for permission to withdraw the writ petition in order to enable the petitioner to file a fresh one, if so advised, with better particulars.

6. The writ petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

November 1st 2022
Cuttack

Gs/Radha