

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20692 of 2022

***Dillip Kumar Mishra @ Dillip
Mishra***

.... ***Petitioner***

Mr. Pravash Chandra Jena, Advocate

-versus-

***Chairman, UCO Bank, Head
Office, Kolkata and Others***

.... ***Opp. Parties***

Mr. Sunil Kumar Swain,
Advocate for the Bank

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

ORDER (Oral)

05.09.2022

Order No.

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

2. The petitioner, borrower, availed a Term Loan for an amount of Rs.2 Lakhs sanctioned on 10th October, 2007 defaulted in repayment of the same which was to be paid in 36 equated instalments [E.M.I. of Rs.9,263/-]. Consequently, the account has been classified as NPA on 30th September, 2015, pursuant to which notice dated 21st May, 2019 under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act") has been issued recalling an amount of Rs.3,34,458/- stood outstanding as on 26th April, 2019.

3. Since there was no response, notice under Section 13(4) of the SARFAESI Act, 2002 read with Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 was issued and the Sale Notice was published in two newspapers namely 'The Sambad' (Odia) and 'The Business Standard' (English) on 27th July, 2022 whereby it was indicated that

e-auction sale would be undertaken online on 29th August, 2022.

4. Vide order dated 25th August, 2022, this Court recorded the fact, as submitted by the petitioner, to the effect that upon deposit of instalments, the UCO Bank on 14th February, 2011 issued no due certificate (Annexure-1 series) and the UCO Bank, Gazipur Branch, Bhogarai in the District of Balasore returned the title deed of the collateral security.

Mr. Sunil Kumar Swain, learned counsel appearing for the Bank waived notice on behalf of the Bank.

5. When the matter is called today, Mr. Pravash Chandra Jena, Advocate for the petitioner filed a memo and prayed for grant of permission for unconditional withdrawal of the Writ Petition. The memo is taken on record.

In view of such submission, the Writ Petition is disposed of as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge