

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 21352 of 2022

Manas Kumar Mohanty

....

Petitioner

Mr. Samir Kumar Mishra, Advocate

-versus-

***UCO Bank, Zonal Office, Balasore
& Another***

....

Opposite Parties

Mr. Sunil Kumar Swain, Advocate for
Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
26.09.2022

Order No.

03.

This matter is taken up by virtual/physical mode.

1. Challenging the e-auction sale notice dated 10th April, 2022 issued by the Opposite Parties-UCO Bank, Bhograi Branch in the District of Balasore, the Petitioner approached this Court invoking provisions under Article 226/227 of the Constitution of India.

2. The Petitioner, a defaulting borrower, availed a cash credit loan of Rs.3,00,000/- from the aforesaid Branch of UCO Bank in the year 2011 for the purpose of running garment business. Due to financial irregularity, the loan account was declared as NPA on 30th September, 2015. A demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 21st January, 2019, recalling an amount of Rs.11,09,478/- as on 1st January, 2019 in addition to interest and expenses. The symbolic possession was assumed by

issuance of notice U/s 13(4) of the SARFAESI Act, 2002 on 28th July, 2021.

3. This Court *vide* order dated 25th August, 2022 passed the following order:

“2. Counsel for the Bank is directed to verify as to how much will be amount due as on today in the light of an amount of Rs.11,09,478/- shown to be due as on 1st January, 2019 + interest and other expenses in the sale notice dated 10th April, 2022 vide Annexure-2.

3. List this matter tomorrow (26th August, 2022) high-up in the cause list.”

4. This Court *vide* order dated 26th August, 2022 passed the following order:

“2. The defaulting borrower is making a mercy plea for providing some reasonable time to clear the entire outstanding liabilities with a substantial amount as upfront to save his sole residential property (Secured Asset) being put to auction on 29th August, 2022.

3. Mr. Swain, learned counsel for the Bank appearing on advance notice states that as per instructions the total outstanding dues as on today are Rs.20,23,876/-

4. Issue notice for 26th September, 2022.

Mr. Swain, learned counsel appears and waives off notice on behalf of the Opposite Parties/Bank. Let requisite number of copies of the Writ Petition be furnished on him during the course of the day.

5. As an interim measure, subject to deposit a sum of Rs.10,15,000/- on or before 29.08.2022, the successful bid, if any, shall not be confirmed without the leave of the Court.

The Petitioner would also file an undertaking for clearing the remaining balance within next three months.”

5. When the matter is taken up today, Mr. Samir Kumar Mishra, counsel for the Petitioner stated that the matter has been rendered infructuous in view of the fact that the petitioner has complied with the terms of Order dated 26th August, 2022.

6. In view of such submission, the writ petition is dismissed as infructuous. The Petitioner shall be bound by his undertaking to clear the remaining balance within the stated time frame.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

September 26, 2022 Cuttack