

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.18908 of 2018

(Through Hybrid mode)

Arun Samantaray

....

Petitioner

Mr. A.K.Nath, Advocate

-versus-

***The General Manager, RBI and
others***

....

Opposite Parties

Mr. B.N.Udgata, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER

29.03.2022

Order No.

06.

1. Mr. Nath, learned advocate appears on behalf of petitioner and draws attention to annexure-9 in the writ petition being writing dated 28th June, 2018 carrying, inter alia, decision of the Banking Ombudsman. The decision is reproduced below.

“5. Decision of the Banking Ombudsman

*After hearing both the parties, the honourable
Banking Ombudsman advised that :*

- 1. The complainant has to make efforts to get back the disputed amount of Rs.2,00,000/- directly from the builder.*
- 2. She may give an undertaking to the bank that she is not able to repay the loan amount and she has no objection if the*

bank arranges to sell the flat to some other customer.

3. *The Bank should close the loan account of the complainant within one month from the date of this order and issue a 'No dues Certificate'. No interest will be recovered by the bank from the complainant in respect of this loan account."*

He submits, opposite party no.3 (bank) has not complied with the decision.

2. Mr. Udgate, learned advocate appears on behalf of opposite party no.3 and submits, a tripartite agreement regarding sale of the flat was made between petitioner, builder and his client. The agreement was registered. He submits further, it is necessary for petitioner to execute undertaking of no objection for bank to deal with the flat and thereupon execute cancellation deed of the tripartite agreement for sale. His client will then issue 'No Dues Certificate'.

3. Opposite party no.3 is directed to execute the undertaking as well as the cancellation deed. On petitioner executing the same, the bank will issue 'No Dues Certificate' to him. This must be done within three weeks of communication.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge