

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 26080 of 2021

Orissa State Financial Corporation,
OMP Square, Cuttack, Odisha

Petitioner

Ms. Basumati Prahdan, proxy counsel
on behalf of Mr. Amitav Das, Advocate

-versus-

M/s. Vigyan Chemical Industries,
Dehradun, Uttarakhand & Others

Opposite Parties

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
10.10.2022

Order No.

01. This matter is taken up by virtual/physical mode.

1. Challenging the order passed in Execution Case No. 107 of 2018 by the learned Civil Judge, (Senior Division), Dehradun in the State of Uttarakhand, the Petitioner has filed the writ petition on the ground that the order of attachment is bad in the eye of law.

2. It is alleged that the decree holder, namely, M/s. Vigyan Chemical Industries, Dehradun, Uttarakhand (Opposite Party No.1) was no way connected with the Petitioner-the Odisha State Financial Corporation (for short “ the OSFC”). It is averred that the decree holder supplied raw material (Hyderabad Lime) to M/s. Manorama Chemical Works Limited, Kalyani Nagar, Cuttack, Odisha (Opposite Party No.2), who did not pay the consideration to

the Opposite Party No.1, which led to filing of Civil Suit No.103 of 1998 against the purchaser before the Civil Judge(Sr. Division), Dehradun. M/s. Manorama Chemical Works Limited being the defaulting borrower in respect of loan availed from OSFC, its property was seized by OSFC under Section 29 of the State Financial Corporation Act, 1951. The Judgment in the aforesaid suit culminated in dismissed of second appeal being SA No. 78 of 2006 by the Uttarakhand High Court. Therefore, the Execution Case was transferred under Section 40 of the Code of Civil Procedure, 1908 for realization of decretal dues. It is alleged by the Petitioner-OSFC that the Execution order passed by the Civil Judge, (Senior Division), Dehradun, Uttarakhand is not executable.

It is claimed by the Petitioner that the OSFC had deposited sums of Rs.6,36,243/- and Rs.3,50,000/- towards decretal dues before the Court of Civil Judge Senior Division, which was kept in a renewable interest bearing account in Union Bank of India, Choudhury Bazar, Cuttack and to comply with the order passed in Execution Case No. 107 of 2018, the Union Bank of India, Choudhury Bazar, Cuttack had remitted the Bank guarantee of Rs.58,16,905/- to the Court. Therefore, to protect the OSFC from further attachment of its assets, the Petitioner has filed present writ petition.

3. At the time of hearing today, Ms. Basumati Pradhan, proxy counsel appearing on behalf of Mr. Amitav Das, counsel for the Petitioner-OSFC prayed for permission to withdraw the writ petition.

4. In view of such submission, the writ petition is disposed of as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

October 10, 2022 Cuttack

