

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 22085 of 2022

M/s. Kings of Wine & Another ***Petitioners***

Mr. Arun Kumar Patra, Advocate

-versus-

***Chief Manager-cum-Authorized
Officer, Canara Bank, Regional
Office-II, Bhubaneswar & Another*** ***Opposite Parties***

Mr. B.N. Udgata, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
28.09.2022

Order No.

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

1. The Petitioner No.1, proprietorship concern, availed Rs.25.00 lakhs for carrying its liquor business in the year 2020. Due to irregularity in repayment, the loan account was classified as NPA on 30th November, 2021. A demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 7th December, 2021, recalling an amount of Rs.25,28,630.68 outstanding as on 1st December, 2021. The symbolic possession of secured asset was assumed by issuance of notice U/s 13(4) of the SARFAESI Act, 2002 on 12th April, 2022. Secured asset was put to auction on 21st June, 2022 vide e-auction sale notice dated 16th May, 2022.

2. Challenging the e-auction sale notice dated 16th May, 2022, the Petitioner earlier approached this Court in W.P.(C) No. 13846 of 2022, which came to be disposed of on 10th June, 2022 with a liberty to the Petitioner to approach the Bank for settlement of the loan account. However, the said settlement could not yield any result, consequent upon which, the secured asset was again put to auction on 7th September, 2022 for recovery of an amount of Rs.11,33,200.68 vide notice dated 30th July, 2022 (Annexure-9). The said notice is under challenge in the present writ petition.

3. On 5th September, 2022 when the matter was taken up, while issuing notice, this Court recorded the contention of the Petitioner to the effect that he is ready and willing to clear the entire outstanding liability, if some reasonable time is granted and as an interim measure, it was directed that “subject to deposit of Rs.4.00 lakhs on or before 7th September, 2022, the successful bid, if any, shall not be confirmed without the leave of the Court.”

4. On the resumed hearing today, Mr. B. N. Udgata, counsel for the Bank submitted that the loan outstanding as on 31st August, 2022 was Rs.10,73,659/- and the Petitioner has deposited Rs.4.00 lakhs as per the order dated 5th September, 2022.

5. Mr. Arun Kumar Patra, counsel for the Petitioner on instruction conceded that the Petitioner is agreeable to deposit the balance amount due in three equated monthly instalments commencing from 10th October, 2022.

6. Counsel for the Bank has no objection for the same.
7. In view of the aforesaid submission, the writ petition is disposed of as per the agreed terms stated above.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

September 27, 2022 Cuttack

