

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 23257 of 2022

Sri Batakrushna Dash

....

Petitioner

Mr. Niranjana Lenka, Advocate

-versus-

Bank of Baroda & Others

....

Opposite Parties

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
27.09.2022

Order No.

01.

This matter is taken up by virtual/physical mode.

1. Prayer in the writ petition is to direct the Opposite Parties-bank to consider the application for One Time Settlement filed by the petitioner-borrower. It is further prayed to restrain the Secretary, Cuttack Development Authority (Opposite Party No.5) from issuing permission to the Bank to proceed against the land and building (Plot No.10-3D/1046 Sector-10 CDA, Cuttack-14) of the petitioner.

2. The Petitioner had availed two housing loan accounts, one for Rs.4,82,714/- and another for Rs.5,10,415/- in the years 2011 and 2012 respectively. Due to non-repayment, both the loan accounts were classified as NPA on 25th April, 2015. A demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 23rd July, 2015, recalling an amount of Rs.5,02,324/- and 6,17,016/- + interest calculated on and from 1st July, 2015. It is alleged that though the Petitioner tried for one time settlement of

the loan accounts, the Opposite Parties-Bank has not paid any heed to.

3. When the matter is taken up today after arguing for sometime realizing that the writ petition, being for a direction to consider the application for OTS, is not maintainable in view of the ruling laid down in the case of *Bijnor Urban Cooperative Bank Limited, Bijnor and others Vrs. Meenal Agarwal and others* reported in *AIR 2022 SC 56*, the counsel for the Petitioner sought for permission to withdraw the writ petition with liberty to approach the bank for grant of more time to liquidate the loan accounts.

4. In view of such situation, the writ petition stands dismissed as withdrawn with the liberty as prayed for.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge