

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.24469 of 2022

Sukantilata Das

....

Petitioner

Mr.Rabinarayan Behera, Adv.

-versus-

ICICI Home Finance

....

Opposite Parties

Company Ltd. BBSR & Anr.

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
18.11.2022

04. 1. This matter is taken up through hybrid arrangement.
2. By way of this writ petition, the petitioner has sought for direction of this Court to the opposite party-Bank to hand over physical possession of the building and issue “No Objection Certificate” in favour of her.
3. The briefs of this case is that one Sumanyu Das proprietor of Swastik Agencies being the Principal borrower had obtained ICICI HFCS Loan vide A/c No.(s) NHBBS00000728204 where petitioner was the co-borrower along with others namely, Rabindranath Das and Suwendu Kumar Das in the year 2008. The Principal borrower mortgaged the land measuring area Ac.0.216 dec. bearing Plot No.21/2204 Khata No.432/ 1063 with the Bank. On such mortgage, the loan was sanctioned to

the loanees. Thereafter, the loan amount was not repaid due to failure of business. As a result of which, the Bank took symbolic possession of the building on 26.09.2019 in order to realize the loan amount and also took physical possession of the said building on 10.12.2021. The petitioner made correspondence to the Bank on 16.12.2021 requesting not to put the property into auction. He also filed a Writ Petition vide W.P.(C) No.41014/2021 before this Court for redressal of her grievance. The said Writ Petition was disposed of as withdrawn on 10.11.2022 on the ground of exploring negotiation for settlement with the Bank. Accordingly, the loan account was settled to the tune of Rs.85,00,000/-.

The petitioner paid settlement amount to the Bank as per conditions stipulated in the settlement letter dated 12.01.2022. Even after payment of settlement all dues consecutively as demanded by the Bank, the opposite parties/ Bank have not issued NOC. Further, the petitioner had filed a Writ Petition vide W.P.(C) No.20696 of 2022 seeking for a direction of this Court to the opposite parties-Bank for settlement of Overdraft facility (with ICICI Bank) bearing A/c.No. 028405003175 under One Time Settlement Scheme as per Reserve Bank of India guideline wherein the Court passed the following order i.e.

“2. In view of submissions made on behalf of petitioner, Court is not inclined to direct issuance of notice. Instead, the bank will consider and deal with petitioner’s representation dated 11th June, 2022 (Annexure-6) and inform result thereof to him within three weeks of communication.

The writ petition is disposed of.”

4. Considering the above facts and circumstances and without going into the merits of the case, this Court is of the view that since the petitioner is ready and willing to pay OTS amount as applicable to her, the opposite party/Bank shall issue a “No Objection Certificate” to the petitioner in the prescribed format within a period of fifteen days from the date of payment of the said OTS amount fixed by the Bank.

5. Accordingly, the Writ Petition stands disposed of .

6. Issue urgent certified copy of the order as per Rules.

(Dr. S.K. Panigrahi)
Judge

LB