

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.29336 of 2021

Niranjan Behera

....

Petitioner

None

-versus-

Branch Manager, UCO Bank Nilgiri
Branch & Another

Opposite Party

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

13.10.2022

Order No.

07.

This matter is taken up by virtual/physical mode.

1. Questioning the validity of notice dated 8th September, 2021 under Section 13(4) of the SARFAESI Act vide Annexure-3, the petitioner has filed the present writ petition.
2. The Petitioner had taken housing loan of Rs.15.00 lakhs in 2014 and secured the same by submitting title deeds with the UCO Bank, Nilgiri Branch, Balasore. Said loan was required to be repaid in monthly instalments of Rs.20,000/- (principal Rs.12,000/- + interest Rs.8,000/-) to be spread over for 10 years. Due to financial indiscipline, notice dated 23rd June, 2021 was issued under Section 13(2) of the SARFAESI Act recalling an amount of Rs. 14,59,940.51 outstanding as on 23rd June, 2021. Non-response of said notice, the Opposite Party-Bank has issued notice dated 8th September, 2021 under Section 13(4) of the SARFAESI Act assuming symbolic possession of the secured asset which is the subject matter of challenge in this writ petition.

3. Vide order dated 8th November, 2021, this Court has passed the following order:-

“2. In compliance of the previous directions and upon instructions, learned counsel for the Bank submits that the Bank is ready and willing to upgrade the NPA of the Petitioner to a standard account.

3. Let a formal notice be issued to the Opposite Parties. Mr. Chittranjan Behera, learned Advocate for the bank appears and waives notice on behalf of Opposite Parties.

4. Let the Petitioner deposit a sum of Rs.2 lakhs within one week from today, which shall be kept in no lien account.

5. In reply, the calculation-sheet qua amounts overdue be attached by the Bank.”

4. On 30th November, 2021 and 9th February, 2022, adjournments were sought for by the Petitioner. However, on 22nd April, 2022, none appeared for the parties. When the matter is called today, neither the Petitioner nor the Opposite Parties appeared.

Therefore, it is construed that the Petitioner is not interested to pursue the matter.

5. In view of the above, the writ petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge