

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30949 of 2021

Debabrata Ray and Another *Petitioners*

Mr. Sourav Mishra, Proxy Counsel
on behalf of Mr. B.C. Ghadei, Advocate

-versus-

***Branch Manager, Karnataka
Bank Ltd., Cuttack and
Another***

.... Opp.Parties

Mr. M. Balakrishna Rao, Advocate for the Bank

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
28.07.2022**

Order No.

- 03.** 1. This matter is taken up through virtual/physical mode.
2. The petitioners are the defaulter in the four Cash Credit facilities availed from Karnataka Bank, Cuttack Branch and the details are same as under:-

Nature of Loan	Account No	Date of Loan	Sanctioned Amount
PSTL/Housing	1607001800004701	21-11-2015	Rs.15,00,000/-
TL/House Hold Articles	1607001600020901	26-04-2016	Rs.9,60,000/-
TL/Car	1607000600021001	25-04-2016	Rs.4,30,000/-

Cash Credit	1607000600095401	21-04-2018	Rs.17,50,000/-
		Total-	Rs.46,40,000/-

3. On account of financial indiscipline all the four loan accounts were classified as NPA on 21.04.2019. Demand Notice under Section 13(2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) was issued on 24.10.2019 recalling the outstanding liabilities in the first two loan accounts for a sum of Rs.24,16,804/-. Subsequently, symbolic possession of the mortgaged properties in the first two loan accounts was assumed on 09.02.2021 by issuance of notice under Section 13(4) of the Act, 2002.

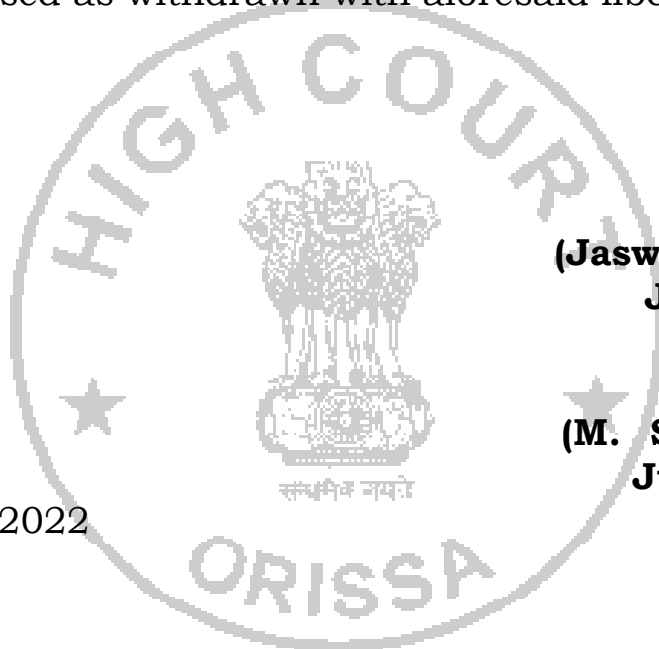
4. Subsequently, an OTS was sanctioned in favour of the petitioners vide letter dated 10.05.2021 whereby a sum of Rs.30,50,000/- was required to be paid on or before 28.07.2021 towards full and final settlement in all the four loan accounts. The petitioners apart from the initial deposit of Rs.3,50,000/- i.e. 10% of the upfront amount did not deposit any installments.

5. Consequently, the Bank proceeded to issue a sale notice dated 09.08.2021 fixing the auction sale of the mortgaged property on 15.09.2021. The Auction was successful and upon deposit of entire sale price of Rs.40,05,000/- by the Auction Purchaser, sale certificate was issued.

6. In the instant writ petition challenge has been laid to the auction proceedings with a further prayer for extending the time period to deposit the remaining amount in terms of the sanctioned OTS.

7. At the time of hearing, learned counsel for the petitioners prays for withdrawal of the writ petition to avail the alternative remedy in accordance with law.

8. In view of the above, the writ petition is dismissed as withdrawn with aforesaid liberty.



**(Jaswant Singh)
Judge**

**(M. S. Raman)
Judge**

Basudev

28th July, 2022
Cuttack