

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31021 of 2021

Lala Rajkishore Pani

.... Petitioner

Mr. Prasanna Kumar Rath, Advocate

-versus-

***Chief Manager-cum-
Authorized Officer, UCO
Bank, Gandhi Chhak,
District-Angul and Another***

.... Opp. Parties

Mr. Bibhuti Bhusan Swain, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

11.07.2022

Order No.

- 03.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The petitioner is a defaulter in a Cash Credit loan availed for a sum of Rs.19,90,000/- on 27th August, 2008 from the UCO Bank, Angul Branch, Angul. Due to financial indiscipline, the loan account was declared NPA on 31st March, 2015. A Demand Notice under Section 13(2) of the SARFAESI Act, 2002 (in short, "the Act, 2002") was issued on 30th April, 2015 recalling the outstanding liabilities of Rs.16,36,972/- along with other expenses due as on 31st March, 2015.

Symbolic possession of the mortgaged property was assumed on 16th July, 2015 by issuance of Notice under Section 13(4) of the Act, 2002 and the

property sold through e-auction on 18th August, 2021 for a sum of Rs.22,43,500/- in favour of Dipak Kumar Sahu (Opposite Party No.2). The sale certificate was issued in favour of the aforesaid auction purchaser on 27th August, 2021 and the sale deeds registered on 2nd September, 2021.

3. The present writ petition was filed challenging the process of sale being illegal in view of the non-availability of the Presiding Officer of DRT, Cuttack.

4. At the time of hearing, learned counsel for the petitioner in view of the DRT, Cuttack being fully functional prays for permission to withdraw the present Writ Petition to enable the petitioner to file an application under Section 17 of the SARFAESI Act, 2002 before the DRT, Cuttack for decision in accordance with law.

Mr. Swain, learned counsel for the Bank has no objection to such a prayer.

5. In view of the above, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge