IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32017 of 2021

Matta Manikeswar Rao & Others .... ***Petitioners***

Mr. S. K. Sarangi, Senior Advocate along with Mr. S. P. Sahoo, Advocate

-versus-

Axis Bank Ltd., Nabarangpur Branch, Nabarangpur & Another .... ***Opp. Parties***

Mr. S. Sourav, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **11.10.2022**

07. This matter is taken up through virtual/physical mode.

1. The three co-borrowers have defaulted in repayment of an Agriculture Loan availed for a sum of Rs.40 Lakhs in the year 2014 from the Axis Bank, Nabarangpur Branch, Nabarangpur. They have approached this Court challenging the recovery process initiated under the SARFAESI Act, 2002 (for short, "the Act, 2002") by the Bank/Opposite Parties on account of the loan account having been declared as NPA on 1st of May, 2019 and culminating into assuming of symbolic possession of the secured asset by issuance of a Notice dated 1st of November, 2021 under Section 13(4) of the Act, 2002 for an outstanding liability of around Rs.50 Lakhs.

2. This Court on 8th March, 2022 had recorded as under:

"*1. This matter is taken up by virtual/physical mode.*
2. The three defaulting borrowers of loan for sum of Rs.40,00,000/- availed in the year 2014 from the AXIS Bank, Nabarangpur Branch, Nabarangpur (Opposite Party No.1) have approached to this Court challenging the recovery process initiated under the SARFAESI Act, 2002 by the Opposite Party on account of the loan account which is declared NPA on 1st May, 2019.
3. Mr. Rajjeet Roy, counsel for the Bank appearing on advance notice states that as on today, a sum of rupees more than 50,00,000/- is outstanding.
4. Mr. S. K. Sarangi, counsel for the petitioner prays for one opportunity to liquidate the amount by way of amiable settlement or in the alternative seek the up-gradation and possible restructuring of the account.
5. Mr. Rajjeet Roy, counsel for the Opposite Parties-Bank states that the Bank is not averse to such recourse provided some substantial amount is deposited upfront with the proper application made before the Bank.
6. Mr. Sarangi, counsel for the Petitioner prays for adjournment to enable his clients to seek their remedy.
7. List on 25th April, 2022."

3. At the time of hearing today, learned counsel for the parties agreed that the present Writ Petition has become infructuous in view of a sanctioned OTS on 8th August, 2022 for an amount of Rs.34 Lakhs towards full and final settlement of the liabilities.

4. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Sipun

11th October, 2022
Cuttack