

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No. 33354 of 2021

Manmohan Pradhan

.... ***Petitioner***

Mr. R.R. Samantaray, Advocate

-versus-

***Syndicate Bank(Now Canara
Bank), Bhubaneswar and Others***

.... ***Opposite Parties***

Mr. B.N. Udgata, Advocate
(for Bank)

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER
22.03.2022

Order No.

- 03.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** Petitioner is defaulting borrower availed two housing loans of Rs. 20.00 lakhs on 25th March, 2011 and Rs. 10.00 lakhs on 4th August, 2011. Due to financial indiscipline the account was declared as NPA on 16th April, 2014 and the demand notice dated 17th May, 2021 was issued U/s 13(2) of the SARFAESI Act, 2002 recalling the outstanding liability of Rs.65,49,512.66. Subsequently symbolic possession was assumed vide notice dated 12th August, 2021 issued U/s 13(4) of the SARFAESI Act, 2002. The Opposite Party Bank has taken symbolic possession of the secured asset of the mortgaged property.
 - 3.** Mr. Udgata, counsel for the Bank has submitted that as on 17th March, 2022, the outstanding liability is at Rs. 73,46,129.66 and that the Petitioner has not paid any amount since 2014.

P.T.O.

4. Counsel for the Petitioner submits that direction be issued for consideration of request for one time settlement submitted to the Opposite Parties-Bank vide Annexure-3.

5. This Court is not inclined to issue mandamus to the Opposite Party-Bank for acceptance of OTS proposal. In view judgment of Hon'ble Supreme Court in the case of *The Bijnor Urban Cooperative Bank Limited, Bijnor and others –v- Meenal Agarwal and others*, reported in AIR 2022 SC 56, no mandamus can be issued to the bank to accept an OTS proposal.

6. Accordingly, the writ petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Raman)
Judge

Laxmikant

March 22nd, 2022
Cuttack