

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.33532 of 2021

Sri Chellapa Viswanathan

....

Petitioner

None

-versus-

***The Chairman-cum-Managing
Director, Punjab National Bank &
Others***

....

Opposite Parties

Mr. Tuna Sahu, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

Order No. **ORDER (Oral)**
01.08.2022

04. 1. This matter is taken up by virtual/physical mode.
2. Challenging the E-auction sale noticed dated 6th October, 2021 issued by Punjab National Bank (secured creditor), the Petitioner has approached this Court by way of the present writ petition. As is revealed from the writ petition that on earlier occasion, this Court allowed the Petitioner to sell the mortgaged property without any objection being raised by the Opposite Party-Bank, however, due to lapse in repayment a demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued and consequently symbolic possession of the property was taken under Section 13(4) of the said Act on 6th October, 2021.
3. When the matter was on board on 15th March, 2022 and 20th April, 2022, none appeared for the Petitioner. Today also none appeared for the Petitioner. Mr. Tuna Sahu, Counsel for the Bank appeared and submitted that the outstanding liability as on date stands at more than Rs.20.00 crores.

4. Non-appearance of the counsel for the Petitioner appears to be deliberate attempt to stay away from the proceedings or the Petitioner is not interested to pursue the matter any further. Even though, on 4th February, 2022, Mr. R.K. Mallick, proxy counsel on behalf of Mr. D. Chakrabarty, counsel for the Petitioner prayed for some time to remove the defects, the same has not yet been removed.

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

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

August 1, 2022 Cuttack

