

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34496 of 2021

Sanjaya Kumar Patra

....

Petitioner

Mr. S.K. Joshi, Advocate

-versus-

***Union Bank of India, Nayagarh
and Others***

....

Opp. Parties

Mr. Aurobinda Mohanty, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

22.03.2022

Order No.

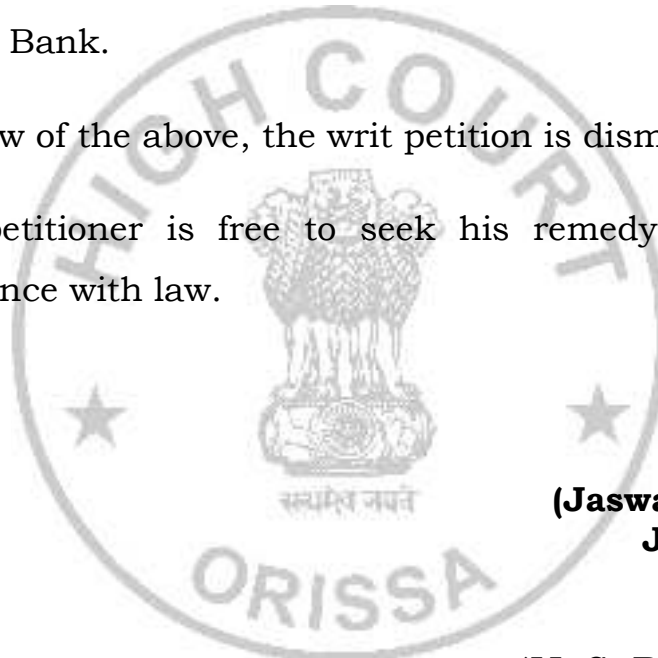
- 06.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** The petitioner is the proprietor of M/s. Sri Krishna Automobile which had availed a Cash Credit facility for a sum of Rs.20 Lakhs on 20th July, 2015 from Union Bank of India, Nayagarh Branch, Nayagarh. Due to financial indiscipline, the loan account was declared NPA on 1st March, 2021. A demand notice under Section 13(2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) was issued on 17th April, 2021. Symbolic Possession assumed on 09th August, 2021 under Section 13(4) of the Act, 2002.
 - 3.** By filing the present writ petition prayer is for issuance of a direction to the Bank to settle the loan account in terms of the OTS scheme.
 - 4.** Upon notice, Mr. Aurobinda Mohanty appearing for the Bank states that as on today, roughly the outstanding amount is around Rs.19.50 lakhs and the security value of the mortgaged property (collateral security) is also around Rs.19.50 lakhs. He submits that there is no special OTS

Scheme, however, the petitioner is free to invoke the regular OTS Scheme prevalent with the Bank.

5. In view of the above, and the mandate of the recent judgment passed by the Hon'ble Supreme Court in ***Bijnor Urban Cooperative Bank Limited, Bijnor and others Vrs. Meenal Agarwal and others, AIR 2022 SC 56***, we are in no position to direct the Bank to grant the benefit of the regular OTS which is exclusively within the domain of the Bank, keeping in view the offer/proposal made by the petitioner and the value of the collateral security available with the Bank.

6. In view of the above, the writ petition is dismissed.

The petitioner is free to seek his remedy available in accordance with law.



(Jaswant Singh)
Judge

(M. S. Raman)
Judge

Basudev

March 22nd, 2022
Cuttack