

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35589 of 2021

**M/s. Datum Oil & Chemicals
Pvt. Ltd., Berhampur and
Another**

.... Petitioners

Mr. Sudeep Kumar Sarangi, Advocate

-versus-

**Authorised Officer/Chief
Manager, Union Bank of India,
Berhampur, Dist- Ganjam and
Another**

.... Opp. Parties

Mr. Manoj Kumar Mishra, Advocate for the Bank

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. RAMAN**

**ORDER (Oral)
17.03.2022**

Order No.

- 03.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** The petitioner is the defaulting borrower of a credit facility availed from the Union Bank of India, Berhampur/O.P. No.1 and for the financial indiscipline, recovery process under the SARFAESI Act, 2002 was initiated against him. After the auction of the mortgaged property had been sold to meet the stated outstanding liability of Rs.3,28,69,462.70, the petitioner is stated to have filed S.A. No.117 of 2021 before the Debts Recovery Tribunal, Cuttack challenging the said auction. The petitioner claims to have an interim order in his favour passed by the DRT restraining the Bank from issuance of a sale certificate in favour of the auction purchaser.
 - 3.** Since the DRT was not functional, the present writ petition has been filed, as it is claimed that inspite of the

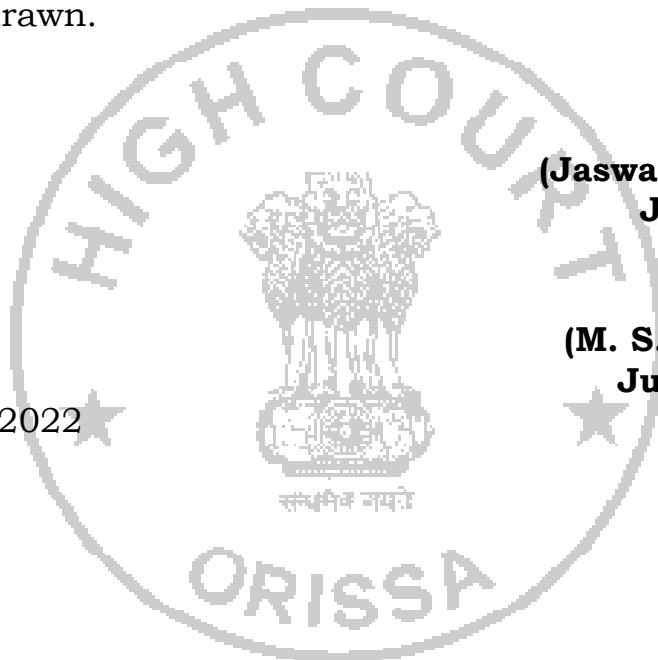
aforesaid interim order the Bank was initiating further proceedings.

4. At the time of hearing, learned counsel for the petitioners has filed a memo for unconditional withdrawal of the present writ petition in order to pursue the already filed S.A. before the DRT, which is stated to have started functioning upon appointment of the Presiding Officer. The memo be kept on record.

5. In view of the memo filed, the writ petition is dismissed as withdrawn.

March 17th, 2022
Cuttack

AKK



(Jaswant Singh)
Judge

(M. S. Raman)
Judge