

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35804 of 2021

**M/s. Usha Projects (India)
Pvt. Ltd. & Another**

....

Petitioners

Mr. P.K. Satapathy, Advocate

-versus-

**Canara Bank, Bhubaneswar
and another**

....

Opposite Parties

Mr. Sudhir Kumar Mishra, Advocate
(for bank)

CORAM:

**JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO**

ORDER (Oral)

08.02.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard learned counsel for the Parties.
3. 3. Petitioners have laid challenge to the auction sale notice dated 13th October, 2021 notifying the sale of the mortgaged properties/secured assets on 15th November, 2021 towards recovery of an outstanding liability to the tune of Rs.52,35,05,622.93 (Rupees Fifty two crores thirty five lakhs five thousand six hundred twenty two and ninety three paisa).
4. 4. At the outset, learned counsel for the Petitioners prays for permission to withdraw the petition as the auction was cancelled by the bank.
5. 5. Mr. Mishra, learned counsel for the Opposite Parties/bank submits that the auction sale had to be cancelled in view of legal lacuna discovered in the issuance of the sale notice.

6. In view of the above, the Writ Petition is dismissed as withdrawn.

**(Jaswant Singh)
Judge**

**(M. S. Sahoo)
Judge**

February 8th, 2022
Cuttack.

sangita

