

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35860 of 2021

Arun Kumar Singh

....

Petitioner

None

-versus-

***Authorized Officer-cum-Chief
Manager, Union Bank of India,
Anugul Branch, Anugul and
another***

....

Opp. Parties

Mr. Bikram Kumar Behera, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

04.04.2022

Order No.

- 02.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner is a guarantor for the loan availed by M/s. A.G. Layers, a sole proprietorship concerned of Girija Nandini Sahoo, who is the wife of the petitioner. The composite loan (Term loan and Cash Credit Facility) of Rs.74,67,750/- for business purposes was availed on 26th September, 2016 from Union Bank of India, Anugul Branch, Anugul. Due to financial indiscipline, the accounts were declared NPA on 30th April, 2021. A demand notice under Section 13(2) of the SARFAESI Act, 2002 (for short "the Act, 2002") was issued on 08th June, 2021 recalling the outstanding liability of Rs.1,11,05,324/- due as on 30th April, 2021. The symbolic possession of the Secured Assets was assumed on 08th September, 2021 by issuance of notification under Section 13(4) of the Act, 2002.

3. By filing the present writ petition, challenge has been laid to the notice dated 8th September, 2021 assuming symbolic possession.

4. Learned counsel for the petitioner seeks permission of the Court for recusal from the case as the brief is stated to have been taken by the petitioner.

5. Learned counsel for the Bank submits that after assumption of the symbolic possession, the actual physical possession of the mortgaged property was taken on 24th December, 2021 in compliance of the order dated 3rd November, 2021 passed by the District Magistrate, Anugul under Section 14 of the Act, 2002. He further submits that E-auction sale fixed for 27th January, 2022 could not materialize due to lack of any intending bidders. He further states that the petitioner has already filed S.A. No.2 of 2022 before the DRT, Cuttack on 03rd January, 2022, which is stated to be pending.

6. In view of the above, we find no ground to entertain this writ petition. Accordingly, the writ petition is dismissed with liberty to the petitioner to pursue his already filed S.A. before the DRT.

Urgent certified copy of this order be granted on proper application.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

AKK

April 4th, 2022
Cuttack

