

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30990 of 2022

Satyabrata Sahoo

.... Petitioner

Mr. Tuna Sahu, Advocate

-versus-

**State Bank of India,
Stressed Assets Recovery
Branch, Sahid Nagar,
Bhubaneswar and Others**

.... Opp. Parties

Mr. Subrat Sarangi,
Advocate for the Bank

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

**ORDER (Oral)
21.11.2022**

(Hybrid Mode)

Order No.

01. 1. Petitioner along with his wife had raised a Housing Loan for a sum of Rs.29,00,000/- for purchasing a flat from State Bank of India, RACPC Branch, Bhubaneswar on 5th October, 2015. Due to financial indiscipline, the loan account was classified as NPA on 17th December, 2017 leading to issuance of a Demand Notice dated 18th April, 2019 under Section 13(2) of the SARFAESI Act, 2002 (for short, the Act, 2002") recalling the outstanding liabilities of Rs.29,97,078/- due as on 15th April, 2019 along with interest and incidental expenses etc.

2. By filing the present Writ Petition, challenge has been laid to the e-auction Sale Notice dated 17th

October, 2022 fixing the auction sale of the mortgaged property/collateral security on 18th November, 2022.

3. At the outset, Mr. Sarangi, learned counsel appearing for the Bank states that the mortgaged property was auctioned in favour of the successful bidder, namely, Alok Nath Satrusalya, resident of Balugaon for a sum of Rs.45,76,000/-. He states that the said successful bidder has already deposited 25% of the total sale price. He thus submits that proper remedy for the petitioner is to approach the DRT under Section 17 of the Act, 2002 and undertakes to furnish the correct details of the successful auction purchaser to the learned counsel for the petitioner Mr. Sahu during next two working days by either e-Mail/Fax Message or Whatsapp.

4. In view of the aforesaid development, learned counsel for the petitioner prays for permission to withdraw the present Writ Petition to enable his client to pursue his available remedies before the appropriate forum in accordance with law.

Accordingly, the same is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge