

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36717 of 2021

Manmohan Mohanty **Petitioner**
Mr. Braja Mohan Sarangi, Advocate
-versus-
Authorized Officer, Canara Bank, Opp. Party
ICMR Branch,
Chandrasekharpur, Bhubaneswar

Mr. S.K. Mishra,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

30.03.2022

Order No.

04.

1. This matter is taken up by virtual/physical mode.
2. The Petitioner is a defaulting borrower in a house building loan for a sum of Rs.20.00 lakhs availed in 2013 from Canara Bank, ICMR Branch, Bhubaneswar-Opposite Party. Due to financial indiscipline, the loan account was classified as NPA on 25th October, 2016, and the demand notice dated 15th April, 2017 was issued under Section 13(2) of the SARFAESI Act, 2002 (for short, "Act, 2002") seeking to recall the outstanding liability to the tune of Rs.23,91,000/- due as on that date. Subsequently, symbolic possession was assumed on 10th October, 2017 by issuance of notice under Section 13(4) of Act, 2002. The efforts of the Bank to auction the mortgaged property had failed. However, the OA filed by the Bank before the DRT, Cuttack resulted in passing of decree dated 2nd December, 2019 for a sum of Rs.27,12,000/- plus interest. The execution proceeding before the recovery officer is stated to be pending.

3. By filing the present writ petition, the Petitioner has prayed for writ of mandamus be issued to the Bank for accepting the proposal for rephasing of the balance amount.

4. At the time of previous hearing, counsel for the Petitioner had prayed for placing on record any policy which provided for restructuring/rephasing of the outstanding amounts in the home loan account.

5. At the time of resumed hearing today, Mr. Sarangi, counsel for the Petitioner prays for an unconditional withdrawal of the writ petition.

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 In view of the above, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna March 30th, 2022
Cuttack