

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37954 of 2021

Santosh Devi Agarwal ***Petitioner***

Mr. Lalit Kumar Maharana, Advocate

-versus-

***Regional Manager, UCO
Bank, Regional Office,
Sambalpur & Others*** ***Opp. Parties***

Mr. Bibhuti Bhusan Swain,
Advocate for the Bank

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

**ORDER (Oral)
01.11.2022**

**Order No.
01.**

This matter is taken up through virtual/physical mode.

1. The petitioner-Mrs. Santosh Devi Agarwal is the widow of guarantor, late Bijaya Kumar Agrawalla, who had offered his immovable property as a collateral security for a loan availed by M/s. Solar Air Products Pvt. Ltd./O.P. No.3 from UCO Bank, Angul Branch, Angul for a sum of Rs.1,50,00,000/- in the year 2009. Due to financial indiscipline, the loan account was classified as NPA on 31.03.2015 recalling the outstanding liability of Rs.86,68,066/- along with future interest due as on 31.03.2015. The symbolic possession of the collateral security was assumed on 20.08.2015 by issuance of a notice under Section 13(4) of the SARFAESI Act, 2002. Subsequently vide the impugned E-auction sale notice dated 23.08.2021 (Annexure-4), the mortgaged

property has been notified for auction sale on 24.09.2021. It is this notice (Annexure-4) which primarily is the subject matter of challenge in the present writ petition.

2. At the time of hearing, Mr. Swain appearing for the Bank upon advance notice states that the present writ petition has become infructuous as the auction slated for the said date had failed for lack of any intending bidders. He further states that the defaulting borrower/O.P. No.3 herein has already filed a S.A. before the DRT, Cuttack challenging the recovery process initiated under the SARFAESI Act, 2002.

3. Learned counsel for the petitioner in view of the statement made by the learned counsel for the Bank prays for permission to withdraw the writ petition in order to enable the petitioner to seek her available remedy in accordance with law.

4. The writ petition is dismissed as withdrawn with the aforesaid liberty.

**(Jaswant Singh)
Judge**

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

AKK

1st November, 2022
Cuttack