

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No.38175 of 2021

M/s. Maa Tareni Fly Ash *Petitioner*
Bricks, Prop: Jitendra
Sahoo

Mr. B. N. Panda-2, Advocate
-versus-

Branch Manager, Canara *Opp. Parties*
Bank, Duburi Branch,
Jajpur

Mr. Raj Bimal Das, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. RAMAN

ORDER (Oral)
07.03.2022

Order No.

- 03.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner, a proprietorship concern is a defaulting borrower in the four loan accounts availed from the Canara Bank, Duburi Branch, Jajpur/Opposite Party.
3. All the loan accounts were classified as NPA on 30.07.2020 and Demand Notice under Section 13(2) of the SARFAESI Act, 2002 (in short the 'Act 2002') was issued on 18.11.2021 recalling an outstanding amount as on that date to the tune of ₹71,68,212. Subsequently, symbolic possession has been assumed vide notice dated 29.01.2022 issued under Section 13(4) of the Act 2002.
4. The present petition has been filed with the prayer to quash the Demand Notice issued under Section 13(2) of

the Act 2002 and charging of penal rate of interest during COVID-19.

5. Counsel for the Petitioner and counsel for the Bank are heard.

6. Counsel for the Bank states that the writ petition on both the aforesaid grounds is not maintainable. He further submits that the Petitioner has not approached the Bank for availing the benefit of an amicable settlement under the regular OTS policy.

7. At this stage, counsel for the Petitioner prays for permission to withdraw the writ petition enabling his client to avail the benefit of regular OTS policy.

8. In view of the above, the writ petition is dismissed as withdraw with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

March 7th 2022
Cuttack

AKPradhan