

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 34174 of 2022

Ratikanta Bagudai

.....

Petitioner

Mr. R.K. Nayak, Adv.

Vs.

AO, Canara Bank, Balasore & Anr

.....

Opposite Parties

Mr. B.N. Udgata, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

23.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. R.K. Nayak, learned counsel for the petitioner and Mr. B.N. Udgata, learned counsel appearing for the opposite parties.

3. In compliance of the order dated 21.12.2022, Mr. Arabinda Mahapatra, Branch Manager, Canara Bank, Balasore Branch-opposite party no.2 has appeared in person.

4. Mr. B.N. Udgata, learned counsel appearing for the opposite party-Bank, having received written instructions dated 19.12.2022, stated that since the bank account of the petitioner is irregular as on date, in the event he pays Rs.2,53,572.89 to upgrade the loan account or to close the total outstanding amount on or before 23.12.2022, steps shall be taken to consider his application for One Time Settlement/Compromise, without resorting to the provisions contained under SARFAESI Act.

5. Mr. R.K. Nayak, learned counsel for the petitioner contended that the opposite party-bank has unnecessarily harassed the petitioner by calling upon him on 20.12.2022 to sign the document forcibly and, as such, undertaking was obtained from him to pay the outstanding by 31.12.2022. But now a different stand has been taken by the bank before this Court by producing the letter dated 19.12.2022 indicating that the loan account of the petitioner is irregular and unless the same

is regularized, his application cannot be considered. It is contended that the petitioner had availed the loan in the year 2006 for construction of his house and, as such, that is the only house of the petitioner.

6. Having heard learned counsel for the parties and after going through the records, but, however, without entering into the disputed questions of fact as to whether the petitioner was called upon on 20.12.2022 to sign the document forcibly or not, this Court is of the considered view that since the bank account of the petitioner is irregular, in the event he deposits a sum of Rs.2,53,572.89 (two lakhs fifty three thousand five hundred seventy-two and eighty-nine paise) within a period of 15 days before the bank, the same shall be accepted by the bank and on acceptance of the amount, the bank shall consider the application filed by the petitioner for One Time Settlement/Compromise of the loan account of the petitioner in accordance with law, within a period of 15 days thereafter and communicate the result thereof to the petitioner.

7. With the above observation and direction, the writ petition stands disposed of.

8. Personal appearance of Mr. Arabinda Mahapatra, Branch Manager, Canara Bank, Balasore Branch-opposite party no.2 is dispensed with.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE