

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40329 of 2021

Debendra Parida

....

Petitioner

Mr. Bijaya Kumar Behera-1, Advocate

-versus-

The Zonal Manager, UCO Bank,

Opp. Parties

Balaosre Zone, Balasore and

another

Mr. Bhagaban Guin,
Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

08.04.2022

Order No.

04.

1. This matter is taken up through virtual/physical mode.
2. The defaulting borrower of business loan for a sum of Rs.5.00 lakhs and home loan for a sum of Rs.15.00 lakhs availed in the year 2012/2016 from the UCO Bank, Birla Tire Branch, Balasore has approached this Court challenging the e-auction sale notice dated 26th October, 2021, whereby the auction date for sale of the secured asset has been fixed on 13th December, 2021.
3. At the time of hearing, counsel for the Bank states that the accounts were declared NPA on 31st October, 2019 and after issuance of the demand notice dated 19th November, 2019 under Section 13(2) of the SARFAESI Act, 2002 (for short, "Act, 2002"), symbolic possession was assumed on 24th January, 2020 as also the actual physical possession on 16th March, 2022 pursuant to the order passed by the D.M., Balasore on an application under Section 14 of Act, 2002 moved by the Bank/secured creditor. He further states that the

Petitioner also failed to avail the benefit of the OTS Policy existing till 31st March, 2022 upon failure of the entire required amount for invoking the policy. He, however, states that the present writ petition has become infructuous as the auction fixed for 13th December, 2021 has failed due to lack of any intending bidder.

4. In response, counsel for the Petitioner is unable to rebut the aforesaid factual position.

5. In view of the above, this writ petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna

April 8th, 2022
Cuttack

