

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41012 of 2021

M/s Ambika Infotech **Petitioner**

Mr. H.N. Mohapatra, Advocate

-versus-

**Authorized Officer, UCO
Bank, Nimapara Branch,
Nimapara and Another**

.... **Opp. Parties**

Mr. B.B. Swain, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

23.02.2022

Order No.

- 03.** 1. This matter is taken up through virtual/physical mode.
2. The petitioner, a proprietorship concern had availed a Cash Credit loan from UCO Bank, Nimapara Branch on 20th of March, 2006 for an amount of Rs.3,50,000/-, which was subsequently reduced to Rs.1,89,000/- in September, 2013. The loan account was declared NPA on 31st March, 2014 due to non-servicing of the account and thereafter a Demand Notice under Section 13(2) of the SARFAESI Act, 2002 (for short “the Act, 2002”) was issued on 26th May, 2014 and symbolic possession assumed on 09th October, 2014.
3. The instant writ petition has been filed seeking a direction to the Bank for settling the outstanding liability under One Time Settlement cases.

4. This Court had passed an interim order dated 2nd of February, 2022, which reads as under:

“1. This matter is taken up by video conferencing mode.

2. Learned counsel for the Petitioner seeks time to take instructions on whether the petitioner is willing to pay at least Rs.4 lakh for a direction to be issued to the Bank for considering its One Time Settlement (OTS) proposal.

3. At his request, list before the roster Bench on 10th February, 2022. In the meanwhile, a copy of this petition be served on learned counsel appearing for the Opposite Party (Bank).”

5. At the time of hearing, learned counsel for the petitioner states that his client is unable to pay beyond Rs.1 lakh in terms of the order dated 2nd February, 2022 whereas learned counsel for the Bank submits that the outstanding amount as on today is around Rs.11,60,000/-.

6. In view of the petitioner having not fully complied with the interim order, and the settled law that this Court has no jurisdiction to direct the Bank to accept any OTS, we find no ground to invoke our writ jurisdiction.

7. The writ petition is accordingly dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

February 23rd, 2022
Cuttack