

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.41195 of 2021**

***M/s. Sapana Motors  
represented through its  
proprietress Smt. Sushmita  
Patel.***

***.... Petitioner***

Mr. Asit Kumar Chaudhury,  
Advocate

*-versus-*

***Authorized Officer-cum-Chief  
Manager, SBI & another***

***.... Opp. Parties***

Mr. Subrat Mishra, Advocate for Bank

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

**ORDER (Oral)  
03.01.2022**

**Order No.**

- 01.** 1. This matter is taken up through hybrid mode.
2. The petitioner is a proprietorship concern, which had availed a cash credit facility for a sum of Rs.20,00,000/- as on 15<sup>th</sup> of March,2019 from the State Bank of India, Sambalpur Branch. To secure the loan, the title deeds of property owned by the guarantor, i.e., the husband of the proprietor were deposited with the Bank. Due to financial indiscipline, the loan account was declared NPA on 28<sup>th</sup> July,2021. A Demand Notice under Section 13(2) of the SARFAESI Act,2002 (in short, "the Act,2002") was issued on 11.10.2021 seeking to recall a sum of Rs.21,67,473.00 as on 6<sup>th</sup> October,2021. Subsequently, symbolic possession is stated to have been assumed by issuance of notice under Section 13(4) of the Act,2002 vide notice dated 20.12.2021.

3. The defaulting borrower has challenged the aforesaid notice dated 20.12.2021 (Annexure-3).

4. Learned counsel for the Bank, upon whom advance copy has been served, states that the outstanding liability is above Rs.20,00,000/-, the case of the petitioner for any OTS under the Special OTS Scheme,2021-22 cannot be considered being ineligible. However, the petitioner is free to settle for a general amicable settlement/restructure/rephase which may be acceptable to Bank keeping in view of attending circumstances.

5. At this stage, learned counsel for the petitioner prays for permission to withdraw the writ petition to enable his client to seek his remedy in accordance with law.

6. Accordingly, the writ petition is dismissed as withdrawn with the aforesaid liberty.

**(Jaswant Singh)**  
**Judge**

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

January 3<sup>rd</sup> 2022  
Cuttack

Gs/Radha