

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41238 of 2021

***Prafulla Chandra Das &
Another***

.... Petitioners

Mr. Akshaya Kumar Behera, Proxy Counsel
on behalf of Mr. Ranjan Kumar Rout, Advocate
-versus-

***Chief Manager-cum-
Authorised Officer, Bank of
Baroda and Others***

.... Opp. Parties

Mr. Sibadutta Ramaprasad Mishra,
Advocate for the Bank

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

**ORDER (Oral)
18.05.2022**

Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner No.1 is the defaulting borrower and the petitioner No.2 is the guarantor of loan facilities availed from Bank of Baroda, Patia Branch, Bhubaneswar and facing recovery process under the SARFAESI Act, 2002 for recovery of the outstanding liabilities.
3. The instant writ petition has been filed for staying the auction proceedings fixed for 30.12.2021 vide Sale Notice dated 26.11.2021 (Annexure-8) till the hearing of S.A. No.149 of 2021 takes place by the Presiding Officer, Debts Recovery Tribunal, Cuttack. The ground

stated is that in the aforesaid S.A. the auction sale fixed for 30.12.2021 has been challenged and due to non-availability of the Presiding Officer, the DRT is not function, thereby causing a serious prejudice to the petitioners.

4. At the time of hearing, learned counsel for the Bank states that the auction fixed for 30.12.2021 had failed for want of any intending bidders. He further states that upon joining of the Presiding Officer, the DRT is fully functional as of now where the petitioners are free to pursue the aforesaid S.A.

5. In view of the above, we find no grounds to entertain the writ petition any more as the entire basis stands removed.

6. The writ petition is accordingly dismissed.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

May 18th, 2022
Cuttack

AKK