

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41305 of 2021

Sangram Keshari Kar **Petitioner**
Mr. Biswajit Nayak, Advocate

-versus-

**Authorized Officer, Bank of
Baroda, Cuttack and Others** **Opp. Parties**
Mr. K.M.H. Niamati, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (ORAL)
11.05.2022

Order No.

- 06.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** Petitioner is a defaulting borrower, and by filing the present writ petition has laid challenge to the notice dated 13.11.2018 issued under Section 13(4) of the SARFAESI Act, 2002, whereby symbolic possession of the secured asset was assumed; and the E-auction sale notice dated 08.11.2019 fixing the auction of the secured asset on 27.11.2019.
 - 3.** Although the Petitioner had already filed a Securitisation Application No.106 of 2019 challenging the recovery process including the sale notice before the DRT, Cuttack, however, in view of the Tribunal not functioning due to non-availability of the Presiding Officer, the present writ petition has been filed.
 - 4.** During the course of proceedings on previous date, the Petitioner had offered to clear the entire outstanding

liability including payment of compensation to the auction purchaser to redeem the secured asset. It was possible only through a negotiated settlement with the cooperation of the auction purchaser, and the learned counsel for the Bank states that an amicable settlement is not possible due to the auction purchaser not accepting the terms of the offer.

5. Be that as it may, learned counsel for the Petitioner, in the light of the Presiding Officer being available and the DRT fully functioning, prays for permission to withdraw the writ petition to enable the petitioner to pursue his pending S.A. before the learned Tribunal.

6. In view of the above, the writ petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

May 11th, 2022
Cuttack

AKK