

(2022) 03 OHC CK 0153

In the Orissa High Court

Case No : Writ Petition (C) No. 10589 Of 2021

Ashok Kumar Prusty

APPELLANT

Vs

Authorised Officer Cum Chief Manager, Punjab National Bank,
Circle Office, Bhubaneswar And Another

RESPONDENT

Date of Decision : 23-03-2022

Acts Referred:

Security Interest (Enforcement) Rules, 2002 — Rule 8(6)

Citation : (2022) 03 OHC CK 0153

Hon'ble Judges : Jaswant Singh, J;M.S. Raman, J

Bench : Division Bench

Advocate : Santanu Kumar Sarangi

Final Decision : Dismissed

Judgement

1. This matter is taken up through virtual/physical mode.
2. The petitioner is a proprietor of M/s. Neelachala Enterprises, Balugaon, Dist-Nayagarh, which had availed a business loan from the Punjab National Bank, Nayagarh Branch, for a sum of Rs.10 lakhs on 12th October, 2017. Due to financial indiscipline, the loan account was declared NPA on 19th July, 2018. The petitioner was also informed of invoking a settlement under the special one-time settlement scheme vide memo dated 21st November, 2020, which perhaps was not availed leading to issuance of E-auction sale notice on 5th March, 2021 fixing the auction date of the mortgaged property on 22nd March, 2021.
3. By filing the present petition, challenge has been made to the aforesaid sale notice being in violation of the provisions of Sub-Rule (6) of Rule 8 of the Security Interest (Enforcement) Rules, 2002 as it does not provide a thirty days clear notice.
4. Since the listing of the case, the matter has been listed on two previous occasions and none had appeared on behalf of the petitioner. Today also the position is the same.

5. At this stage, Mr. Sarangi appears for the Bank and states that the said auction had failed and therefore, even otherwise the writ petition has become infructuous keeping in view the relief claimed. He further states that the second prayer of a direction for One Time Settlement (OTS) in the light of the recent judgment passed by Hon'ble Supreme Court in Bijnor Urban Cooperative Bank Limited, Bijnor and others Vrs. Meenal Agarwal and others, AIR 2022 SC 56 cannot be issued.

6. In view of the above, the present writ petition is dismissed.

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