

(2022) 06 OHC CK 0047

In the Orissa High Court

Case No : Writ Petition (C) No. 14256 Of 2022

Baba Biswakarma Fly Ash Bricks

APPELLANT

Vs

Authorized Officer, Indian Bank, Balasore Branch And Another

RESPONDENT

Date of Decision : 17-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0047

Hon'ble Judges : K.R. Mohapatra, J;M.S. Raman, J

Bench : Division Bench

Advocate : Pradeep Kumar Das, Tuna Sahu

Final Decision : Disposed Of

Judgement

1. This matter is taken up through Hybrid mode.
2. Mr. Tuna Sahu, learned counsel enters appearance on behalf of the Opposite Party-Indian Bank and files Vakalatnama, which is taken on record.
3. Petitioner in this writ petition prays for a direction to the Opposite Party-Bank to allow it to deposit rest amount out of Rs.20.00 lakh settled under the OTS within a period of three months.
4. Taking into consideration the submission of learned counsel for the Petitioner, this Court by order dated 10th June, 2022 had directed Mr. Sahu learned counsel for the Opposite Party-Bank to take instruction in the matter. Today, Mr. Sahu, learned counsel for the Opposite Party-Bank produces a written instruction which reveals that on the proposal of the Petitioner-borrower made on 10th March, 2022, the loan account was settled at Rs.20.00 lakh to be deposited within three months. Pursuant to the said settlement, the Petitioner has also deposited a sum or Rs.12.00 lakh within the stipulated period. As it could not deposit the rest of the amount within the time stipulated in the OTS settlement, the same got cancelled. Mr. Sahu, learned counsel for Opposite Party-Bank submits that if the Petitioner submits a fresh proposal for OTS the same can be considered in

accordance with law.

5. Mr. Das, learned counsel for the Petitioner, on the other hand, submits that pursuant to final settlement of the outstanding dues at Rs.20.00 lakh, the Petitioner has already deposited Rs.12.60 lakhs by 16th June, 2022. He, therefore, prays for extension of time of three months to deposit the rest of the amount. However, at this stage, Mr. Das, learned counsel for the Petitioner submits that interest of justice will be best served if the Petitioner makes a fresh proposal for OTS and prays for withdrawal of the writ petition.

6. Taking into consideration the submission of learned counsel for the parties, the writ petition is disposed of as withdrawn with liberty to the Petitioner to approach the Opposite Party-Bank by filing a fresh proposal for OTS.

Issue urgent certified copy of the order on proper application..

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