
(2022) 05 OHC CK 0072
In the Orissa High Court
Case No : Writ Petition (C) No. 6241 Of 2022

K. Sanjib Rao

APPELLANT

Vs

Authorised Officer, Union Bank, Cuttack And Others

RESPONDENT

Date of Decision : 11-05-2022

Acts Referred:

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 — Section 13(2), 13(4)

Citation : (2022) 05 OHC CK 0072

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

Bench : Division Bench

Advocate : P.K. Mohanty, Tuna Sahu

Final Decision : Disposed Of

Judgement

1. This matter is taken up by virtual/physical mode.
2. Petitioner is the guarantor, who has mortgaged his residential house as a collateral security for a loan of Rs.20,00,000/- availed on 13.03.2015 by M/s. Rita Enterprises, a proprietorship concern of Smt. Rita Behera-Opposite Party No.3. Due to financial indiscipline, the loan account was classified as NPA on 30.06.2016 and a demand notice under Section 13(2) of the SARFAESI Act, 2002 (for short 'the Act, 2002') was issued on 11.07.2016 recalling an outstanding liability of Rs.20,71,700/- as on 30. 06.2016. Symbolic possession was assumed on 10. 01.2017 by issuance of a notice under Section 13(4) of the Act, 2002. The sale notice dated 06.02.2022 (Annexure-1) was issued fixing E-auction sale of the mortgaged property of the petitioner/guarantor for 10. 03.2022.
3. By filing the present writ petition, the petitioner-guarantor has challenged the aforesaid sale notice dated 6. 02.2022 (Annexure-1).
4. At the outset, learned counsel for the Bank submits that the present writ petition has become infructuous as the auction sale fixed for 10.03.2022 has

failed for lack of any intending bidders. He further states that as on today around Rs.37,00,000/- are outstanding dues.

5. In view of the aforesaid development, the present writ petition is disposed of as infructuous.

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