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**(2023) 01 OHC CK 0032**

**In the Orissa High Court**

**Case No : Writ Petition (C) No.40887 Of 2023**

M/s. Encore Asset Reconstruction Company Private Limited

APPELLANT

Vs

Punjab National Bank, Bhubaneswar And Others

RESPONDENT

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**Date of Decision : 10-01-2023**

**Acts Referred:**

**Citation : (2023) 01 OHC CK 0032**

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

**Bench : Division Bench**

**Advocate : Animesh Mohanty**

**Final Decision : Dismissed**

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## **Judgement**

1. Petitioner-company claims to be an assignee of a loan availed by M/s. Kala Shreemukha (Opposite Party No.4), a proprietorship concern of Mr. Niranjana Sahoo from DCB Bank Limited/Opposite Party No.9. The said loan account was classified as NPA on 29.11.2020, upon default in payment of instalments leading to the petitioner filing an Original Application before the DRT, Cuttack.

2. The challenge in the present Writ Petition is to the e-auction Sale Notice dated 7th December, 2021 issued by Punjab National Bank, Ashok Nagar Branch, Bhubaneswar putting the mortgaged property inter alia property no.13 to auction sale on 24th December, 2021 in respect of the property offered as collateral security in the loan of M/s. Kala Shreemukha (Opposite Party No.4) towards recovery of an outstanding liabilities of Rs.11,31,77,286/-along with future interest and incidental expenses etc. The details of the above mortgaged property no.13 is extracted below:

"Hal Khata No.D1-14, Hal Plot No.1428/2039, Area Ac.0.200 Decimal, Correspond to Khata No.14, Mouza Junei, Ranapada, Konark, Tahasil-Gop, District-Puri."

3. It is claimed that the aforesaid property no.13 stands mortgaged in the

defaulting loan account of M/s. Kala Shreemukha (Opposite Party No.4) with the petitioner and has no charge of the Punjab National Bank qua the other loan availed by M/s. Kala Shreemukha (Opposite Party No.4) from the said Bank.

4. At the time of resumed hearing today, learned counsel for the petitioner prays for disposing of the present Writ Petition in view of the said property no.13 of the Sale Notice having not been sold in the said auction.

5. In view of the above, the present Writ Petition stands dismissed as infructuous.

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