

(2022) 07 OHC CK 0069
In the Orissa High Court
Case No : Writ Petition (C) No. 10164 Of 2014

Pravat Kumar Pradhan

APPELLANT

Vs

A.O., State Bank Of India, SMECCC Branch, College Square,
District Cuttack And Others

RESPONDENT

Date of Decision : 13-07-2022

Acts Referred:

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

Citation : (2022) 07 OHC CK 0069

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

Bench : Division Bench

Advocate : Akshaya Kumar Behera, Ranjan Kumar Rout, Subrat Kumar Mohanty

Final Decision : Dismissed

Judgement

1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The petitioner had availed a Cash Credit Loan to the tune of Rs.35,00,000/- from State Bank of India, College Square Branch, Cuttack. Due to non-servicing of the loan account, it was declared NPA and a Demand Notice under Section 13(2) of SARFAESI Act, 2002 (in short, "the Act, 2002") was issued on 21st August, 2012 recalling the outstanding liability of Rs.38,49,302/- due as on 16th August, 2012 plus interest and expenses.
3. Challenge in the present Writ Petition has been laid to the Sale Notice dated 28th April, 2014 intimating the fixing of auction sale on 30th May, 2014 of the mortgaged property towards recovery of the outstanding amount.
4. The record bears out that there was no interim protection granted by this Court.
5. At the time of hearing, learned counsel for the petitioner states that the Writ Petition has become infructuous in view of the loan account having been closed on recovery of the outstanding liability.

6. In view of the above, the Writ Petition is dismissed as infructuous.

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