

(2022) 08 OHC CK 0094
In the Orissa High Court
Case No : Writ Petition (C) No. 17727 Of 2022

Shree Ganesh Fly Ash Bricks

APPELLANT

Vs

Authorized Officer And Chief Manager, UCO Bank, Zonal
Office, Balasore, District Balasore And Another

RESPONDENT

Date of Decision : 10-08-2022

Acts Referred:

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

Citation : (2022) 08 OHC CK 0094

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

Bench : Division Bench

Advocate : Pabitra Kumar Behera, Bibhuti Bhusan Swain

Final Decision : Dismissed

Judgement

1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Petitioner is a Proprietorship concern of Subhrajit Nayak who had availed Cash Credit facility for a sum of Rs.8,98,000/- and a Term Loan of Rs.22,70,000/- from UCO Bank, Marshaghai Branch, District-Kendrapara on 29th March, 2014. Due to financial indiscipline, both the loan accounts were classified as NPA on 31st December, 2015 leading to issuance of a Demand Notice dated 13th June, 2016 under Section 13(2) of the SARFAESI Act, 2002 (for short, "the Act, 2002") recalling an outstanding aggregate amount of Rs.12,11,695/- due as on the date of issuance of the notice. Subsequently, the symbolic possession of the mortgaged property was assumed on 28th December, 2017 by issuance of a Demand Notice under Section 13(4) of the Act, 2002.
3. The present Writ Petition has been filed assailing the E-auction Sale Notice dated 13th June, 2022 fixing the auction sale of the mortgaged property on 18th July, 2022 for recovery of the outstanding liability, stated by the learned counsel for the Bank at the time of hearing to be touching around Rs.20 Lakhs.

Learned counsel for the Bank states that the auction sale fixed on 18th July, 2022 has since failed for lack of any intending bidders and thereby the present Writ Petition has rendered infructuous keeping in view the sole prayer of challenging the auction notice.

Learned counsel for the petitioner is unable to refute the aforesaid factual situation.

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

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