(2022) 06 OHC CK 0007

In the Orissa High Court

Case No : Writ Petition (C) No. 14076 Of 2022

Susama Rani Guru APPELLANT

Vs

IDBI Bank Ltd., Bhubaneswar And Others RESPONDENT

Date of Decision : 02-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0007

Hon'ble Judges : S.K. Sahoo, J;Biraja Prasanna Satapathy, J

Bench : Division Bench

Advocate : M.R. Khatua, B.N. Udgata

Final Decision : Disposed Of

Judgement

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. B.Mohapatra, learned counsel for the petitioner and Mr. B.N. Udgata, learned counsel for the opposite party–Bank.

The petitioner Susama Rani Guru has filed this writ petition challenging the sale notice dated 21.05.2022 issued by the Authorised Officer of the opposite party–Bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter the 'SARFAESI Act') under Annexure-4.

Mr. B.N. Udgata, learned counsel appearing for the opposite party-Bank on instruction submitted that the outstanding dues against the petitioner as on date is to the tune of Rs.45,84,599/- (rupees forty five forty eighty four thousand five hundred ninety nine).

Learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit 25% of the outstanding dues and make an application for One Time Settlement/settlement of the loan dues and direction may be given to the opposite party-Bank to consider the same giving opportunity of hearing to the petitioner.

Considering the submissions made by the learned counsel for the respective parties, without entering into the merits of the case, this writ petition is disposed of with a direction that if the petitioner deposits 25% of the outstanding dues and files an application for One Time Settlement/settlement of the loan dues within a period of two weeks from today before the opposite party no.3, the same shall be considered in accordance with law by giving opportunity of hearing to the petitioner within a further period of two weeks and the decision taken thereon shall be communicated to her. It is made clear that in the event the petitioner fails to deposit the amount as directed within the time stipulated, the opposite party-Bank is at liberty to take steps against the petitioner in accordance with law. Till consideration of such application for One Time Settlement/settlement of the loan dues, no coercive action shall be ta ken against the petitioner. On deposit of such amount by the petitioner within the time stipulated, the physical possession of the property in question shall be handed over to the petitioner.

Issue urgent certified copy as per Rules.

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