

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.224 OF 2014
IN
WRIT PETITION NO.1909 OF 2013

M/s Babuji Foot Wear, Aurangabad

..PETITIONER

VERSUS

Adarsh Mahila Nagari Sahakari
Bank Ltd., Aurangabad & ors.

..RESPONDENTS

Mr R.T. Nagargoje, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 5th May, 2015

ORAL ORDER :

Heard Mr Nagargoje, learned Counsel appearing on behalf of the Review Petitioner.

2. By the present Review Application, the petitioner seeks review of the judgment dated 13th October, 2014, rendered by this Court, in Writ Petition No.1909 of 2013 thereby remanding the matter back to the competent authority, on the ground of certain incorrect factual recordings.

3. According to learned Counsel appearing on behalf of the petitioner, the observations made by this Court in paragraph 24 of the said judgment,

as regards the conduct of the authorities in considering and deciding the quantum of borrowing are incorrect.

4. Learned Counsel would urge that perusal of the order passed by the authorities, particularly at page 82 reflects that the authority has considered cash credit facility of Rs.1 Crore 70 Lacs, is ignored by this Court.

5. If the above referred submissions are tested in the light of the ultimate out-come of the petition, it is required to be noted that the matter was remanded to respondent no.3, who was directed to take into account the statement of bank as regards penal interest as also other calculations.

6. In view thereof, in my opinion, the issue sought to be raised before this Court will be of hardly any consequence as the authorities required to dwell upon the outstanding against the present petitioner based on the statement of accounts. The contentions which are sought to be raised herein are open to be canvassed by the present petitioner before the said authority.

7. With above observations, Review Application stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

amj