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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1958 OF 2013**

Mr. Dinesh A. Kudtarkar and Anr.

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. S.A. Pawar, for the Petitioners.

Ms. Gauri Rao, AGP, for the Respondent Nos.1 and 3.

Mr. Vijay Mayekar in person/Representative of Respondent Nos.2 and 4.

**CORAM : A.S. OKA &
V.L. ACHLIYA, JJ.**

DATE : 10th SEPTEMBER, 2015

PC.

. Heard the learned counsel appearing for the Petitioners. The prayer in this Petition is essentially for enjoining the Respondents to grant benefit of One Time Settlement Scheme under the Government Resolution dated 23rd May, 2012. The Petitioners are the borrowers of the second Respondent – Urban Co-operative Bank which is under liquidation. There is an affidavit filed by Anagha N. Karalkar, the Chief Executive Officer of the Second Respondent which is under liquidation. To the said affidavit, a copy of order dated 11th November, 2011 passed by the Reserve Bank of India has been annexed which records that

Banking licence granted to the said Urban Co-operative Bank under Section 22 of the Banking Regulation Act, 1949 has been cancelled. Therefore, with effect from 11th November, 2011 the second Respondent ceased to be a Bank. One-Time Settlement Scheme under the Government Resolution dated 23rd May, 2012 is applicable to the Urban Co-operative Banks. With effect from 11th November, 2011 the second Respondent cannot be said to be an Urban Co-operative Bank on account of the cancellation of Banking licence. Therefore, the prayer made for enforcing One-Time Settlement Scheme cannot be granted.

2. The learned counsel appearing for the Petitioners submits that as the second Respondent is under liquidation, necessary directions under Sections 107 and 156 of the Maharashtra Co-operative Societies Act, 1960 be issued to the liquidator. After considering the nature of prayers in this Petition and the scope of Petition, the said direction cannot be issued. It is for the Petitioners to take appropriate steps in that behalf.

3. Subject to what is observed above, the Petition is rejected.

(VL. ACHLIYA, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed
Judgment/order.