

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 4242 OF 2014

State of Maharashtra

... Petitioner

Vs

Central Bank of India & Ors.

... Respondents

Mr. P. G. Sawant, A.G.P for the Petitioner

Ms. Sapna Rachure i/b Mr. T. N. Tripathi for the Respondent No.1

**CORAM : V. M. KANADE &
REVATI MOHITE DERE, JJ.**

TUESDAY, 3rd FEBRUARY, 2015

P.C. :

1. The petitioner has filed this petition being aggrieved by the order passed by the Debts Recovery Appellate Tribunal ('DRAT'), who has refused to grant further extension to the State of Maharashtra to deposit Rs. 3.25 crores in the Debts Recovery Tribunal ('DRT').

2. Initially, Central Bank of India and Indian Overseas Bank had filed Original Application under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 ('the Act') against the respondents and also against the State of Maharashtra, who is the petitioner herein and was

Defendant No. 5 in the said Original Application. It appears that the State of Maharashtra agreed to pay the amount of Rs. 2.75 crores which was due and payable to Indian Overseas Bank and accordingly the said amount was paid. It further appears that there is a reference to certain consent terms which were filed before the DRT and over and above payment of Rs. 2.75 crores to Indian Overseas Bank, it is alleged by the Central Bank of India that the Government had given their consent to deposit Rs. 3.25 crores in the Trial Court. Learned Counsel appearing on behalf of the petitioner submits that no such consent was given by the Government of Maharashtra for depositing Rs. 3.25 crores in the Trial Court. The contention of the petitioner that no consent was given was not accepted by the DRT. Thereafter, review application was filed before the DRT, which was also dismissed. The petitioner, therefore, has preferred an appeal before the DRAT, which is still pending.

3. Learned Counsel appearing on behalf of the petitioner has drawn our attention to various orders which have been passed from time to time and according to him, no consent was given by the State of Maharashtra to deposit the said amount.

4. Since the petitioner has filed an appeal before the DRAT, we decline to grant the entire relief claimed by the petitioner namely, of extension of six months to deposit the said amount. We, however, direct the DRAT to consider the appeal filed by the petitioner after taking into consideration the original consent terms filed and subsequent orders which were passed and decide whether in fact, consent was given by the petitioner or not.

5. If the DRAT comes to a conclusion that consent was not granted, then appropriate orders may be passed under Section 21 of the Act. If, however, it comes to a conclusion that consent was given by the State of Maharashtra, then reasonable time may be given to the State to deposit the said amount.

6. In the meantime, however, till the appeal is decided, the direction to deposit the said amount is stayed. Appeal pending before the DRAT to be decided within six weeks from today.

7. Writ petition accordingly is disposed of.

REVATI MOHITE DERE, J.

V. M. KANADE, J.