

dgm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 7999 OF 2014

Aujmuddin Babalal Sawar

.... Petitioner

vs

State of Maharashtra and ors.

.... Respondents

Mr. Kalpesh U. Patil for the Petitioner

Mr. S.D. Rayrikar, AGP for the Respondents 1 and 4.

Mr. T.D. Deshmukh for respondents 2 and 3.

CORAM: ANOOP V. MOHTA, J.

DATE : February 16, 2015

P.C.:

The Petitioner, pursuant to orders passed by this Court dated 3.09.2014, 12.01.2015 and lastly on 9.2.2015 deposited the amount of Rs.4,08,833/-. The submission is made that reference to attachment order Nos. 135, 136 and 137 dated 14.03.2011 have been complied with. The submission is also made that the Authorities basically Respondent Nos.3 and 4 ought to have accepted the amount and so also the Bank. This Court permitted the Petitioner to deposit the amount to show bonafides.

2 Therefore, by keeping all points open, I am inclined to dispose of the present writ petition and permitting the Petitioner to make representation to consider the case with regard to three loan proceedings as mentioned in clause 3 of auction notice dt. 23/6/2014 referring to the respective loan proceedings. The concerned Authorities/Respondent No.4 to decide the same by taking note of the fact that the Petitioner has deposited the amount with Respondent No.2-Bank. Therefore, in the interest of justice, opportunity be given to the Petitioner referring to the auction notice and its further effect once the amount, as stated is already paid to th Bank. We are not concerned with the other recovery proceedings. That has to be decided in accordance with law. However, it is made clear that till the Respondents-Authorities take decision on the representation to be filed by the Petitioner within one week from today, no further coercive steps be taken based upon the auction notice dated 23.06.2014, which the Authorities to decide within twelve weeks. The protection to continue, if adverse order is passed against the Petitioner referring to clause 3 of auction notice dated 23.06.2014. The Respondent No.2-Bank is at liberty to take action in accordance with law in reference to other recovery proceedings. It is made clear that the Petitioner also should not

create third party right or interest in the property mentioned in the auction notice dated 23.06.2014 in question. All points are kept open.

3 The Writ Petition is disposed of in the above terms, with liberty. No costs.

(ANOOP V. MOHTA, J.)