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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9731 OF 2012

The Kallappanna Awade Ichalkaranji
Janata Sahahkari Bank … Petitioner

Vs.

Union of India and Ors. … Respondents

Mr. Prajakt M. Arjunwadkar, for the Petitioner.
Mr. Dhanesh Shah i/by M.S. Bhardwaj, for the Respondent Nos.1 and 6.
Mr. Kinshuk Kislaya i/by M/s. Udwadia Udeshi & Argus Partners, for the Respondent No.2.
Mr. S.N. Patil, AGP, for the Respondent No.4.
Mr. Sudhir Prabhu, for the Respondent No.5.

CORAM : A.S. OKA &
A.K. MENON, JJ.

DATE : 11th MARCH, 2015

P.C.

. Heard the learned counsel appearing for the Petitioner. The Petitioner is a Co-operative Bank registered under the Multi State Co-operative Societies Act, 2002. The Ichalkaranji Urban Co-operative Bank Limited is under liquidation and a Liquidator has been appointed. The claim of the Petitioner is against the Bank under liquidation. The first prayer in this Petition is for directing the second Respondent - Reserve Bank of India to issue a direction to the liquidator of the

Ichalkaranji Urban Co-operative Bank Limited to release an amount of Rs.4,63,888/- with interest thereon from 8th February, 2010. The second prayer is for directing the Liquidator of the said Bank to pay the said amount to the Petitioner. As far as the second prayer is concerned, even assuming that the said Bank was not under liquidation, such a writ could not have been issued against a Co-operative Bank in a Petition under Article 226 of the Constitution of India.

2. There is a reply filed by Ms. Malabika Patel, the General Manager in the RBI. In the said reply, it is contended that the Banking Regulation Act, 1949 does not contain any provision for placing an Urban Co-operative Bank under moratorium. It is contended that the Reserve Bank is unable to issue any such direction to the Ichalkaranji Urban Co-operative Bank. The Ichalkaranji Urban Co-operative Bank is under liquidation and in fact in paragraph 26, it is specifically contended that the Reserve Bank of India (RBI) has no jurisdiction to issue any direction to the Liquidator. It is contended in the said paragraph that the remedy of the Petitioner is to lodge a claim with the Liquidator.

3. It is an admitted position that the Ichalkaranji Urban Co-operative Bank is under liquidation. Therefore, as rightly contended by

the RBI, the remedy of the Petitioner is to lodge a claim with the Liquidator who will have to deal with the said claim in accordance with law considering the order of priority laid down by the law. As of today, the banking license of the said Bank under liquidation has been cancelled and, therefore, we are agree with the stand taken by the RBI that it is powerless to issue any direction to the Liquidator.

4. Hence, no relief can be granted to the Petitioner in this Petition. Petition is accordingly disposed of. However, the remedies of the Petitioner are expressly kept open.

(A.K. MENON, J) **(A.S. OKA, J)**