

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 668 /2015

(Shri Sanat s/o Ramchandra Bhattacharya vs. Bank of Baroda and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Mr.M.Anilkumar, Advocate for the petitioner
Mr. S.N.Kumar, Advocate for Respondents 1 and 2
Respondent no.3 served.

**CORAM : SMT. VASANTI A. NAIK &
N.W. SAMBRE,JJ.**

DATED : 21st September, 2015.

Heard.

By this petition, the petitioner challenges the order of the Debts Recovery Appellate Tribunal, Mumbai, dated 18.9.2014, partly rejecting the Application filed by the petitioner, under section 21 of the Recovery of Debts due to Banks and Financial Institution Act, 1993, for waiver of the pre-deposit.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. Merely because the petitioner is 71-years of age and has no other property except the residential accommodation, the Application of the petitioner for waiver of the pre-deposit in its entirety, could not have been allowed. The Appellate Tribunal held that the income tax returns did not mention the properties owned by the

petitioner. In the circumstances of the case, since the liability extended to an amount of Rs.60 crores, the Tribunal directed the petitioner to deposit a sum of Rs. 20 crores instead of Rs. 45 crores which the petitioner would have been liable to deposit. No fault can be found with the order of the Appellate Tribunal so as to interfere with the same in exercise of the writ jurisdiction.

In the result, the Writ Petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

safare