

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

WRIT PETITION NO.7292 OF 2013

Office Notes, Office
Memorandum of appearances,
Court's orders or directions &
Registrar's orders.

Court's or Judge's orders

Mr. Vilas Baburao Patil, Advocate for the Petitioners.

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**CORAM : A.S. OKA AND
C.V. BHADANG, JJ.**

DATED : FEBRUARY 25, 2016.

P.C.

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents. The challenge in this petition under Article 226 of the Constitution of India is to the notices issued under Sub-sections (2) and (4) of Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest, 2002 (for short "the said Act"). The contention is that the provisions of the said Act are not applicable to a Co-operative Bank under the Maharashtra Co-operative Societies Act, 1960. The second contention of the petitioners is based on alleged non-compliance of the order dated 23rd

January, 2012, passed by the learned Single Judge of this Court in Writ Petition No.8353 of 2011.

2 As far as the first contention is concerned, the law is well settled in the case of ***Rama Steel Industries & Ors Vs. Union of India and Ors. 2001***¹. The same contention has been negated by the Division Bench. The decision of this Court in the case of ***Rama Steel Industries & Ors. (Supra)*** is final as of today. Hence, the first contention has no merit.

3 As far as the second contention is concerned, apart from the stand taken by the respondents that the directions issued by the learned Single Judge were complied with, the remedy available to the petitioner is completely different.

4 Hence, no case is made out for interference. Subject to what is observed above, Writ Petition is rejected.

(C. V. BHADANG, J.)

(A.S. OKA, J.)

1) 2008 (1) Bombay C. R. 271