

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11824 OF 2013

Babasaheb Shripatrao Mane	 Petitioner
V/s.	
Rupee Co-op. Bank Ltd., Kolhapur & Ors.	 Respondents

Mr. Datta H. Pawar for the Petitioner.

Mr. Pratap Patil for Respondent No.1.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 4TH MAY, 2016.

P.C. :

1. Having heard Mr. Pawar, learned counsel appearing for the Petitioner, and Mr. Patil, learned counsel appearing for Respondent No.1-Bank, and perusing the Judgment and Order passed by the Division Bench of this Court in Writ Petition No.10545 of 2012, decided on 29th September 2015, we are unable to agree with the Petitioner's counsel that the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 are ultra-vires. Articles 14 and 19(1)(g) of the Constitution of India, in so far as they are applicable to the Co-operative Banks. The notification in that regard has been upheld by the Division Bench of this Court.

2. The challenge, therefore, fails. The Writ Petition is dismissed.

3. We grant the Petitioner two months time to pay the dues of Respondent No.1-Bank, as demanded, or settle the claim, otherwise, to the satisfaction of Respondent No.1-Bank.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]