

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

WRIT PETITION NO.3909 OF 2016

Sou. Sumedha Sanjay Joshi : Petitioner.
Versus
Greater Bombay Co-operative Bank Ltd
and ors. : Respondents.

**ALONG WITH
WRIT PETITION STAMP NO.9902 OF 2016**

M/s. Aditi Automobiles and anr. : Petitioners.
Versus
Greater Bombay Co-operative Bank Ltd
and ors. : Respondents

Mr. Sachin Dhakephalkar for the Petitioners in both the Petitions.
Mr. S.R. Bhalekar for the Respondent No.1 Bank.

CORAM : R. M. SAVANT, J.
DATE : 29th April 2016

P.C.

- 1 Not on board. Mentioned for urgent reliefs.
- 2 The learned counsel for the Petitioners seeks leave to amend so as to annex communication dated 25.04.2016 received from the Special Recovery Officer of the Respondent No.1 Bank. Leave granted. Amendment to be carried out within one week from date.
- 3 The above Petitions have been moved on an urgent basis in view

of the order dated 25/04/2016 passed by the Recovery Officer by which order the Recovery Officer has directed the Hindustan Petroleum Corporation Ltd (HPCL) to remit the commission due and payable to M/s Mauli Gas Services Ltd. forthwith without any further delay on 29th instant. The Petitioner in Writ Petition No.3909 of 2016 is the proprietor of the said M/s. Mauli Gas Services Ltd. which is an agent of the HPCL. By the order dated 02/04/2016 it was directed that though the symbolic possession of the flat of the Petitioner Sumedha Sanjay Joshi may be taken, no further steps should be taken pursuant to the symbolic possession until further orders of this Court. It is after the said order dated 02/04/2016 came to be passed, that the Recovery Officer has passed the instant order dated 25/04/2016 directing the remission of the commission payable to the said M/s.Mauli Gas Services Ltd.

5 The learned counsel appearing for the Petitioners Shri Sachin Dhakephalkar states that the Petitioners in the above Petitions are even ready to settle with the Respondent No.1 Bank and are ready to pay an amount of Rs.Fifteen lacs which according to them is due to the Respondent No.1 Bank.

6 The learned counsel for the Respondent No.1 Bank states that the outstanding amount is in the region of about Rs.Thirty One lacs. Be that as it may, the Petitioners are directed to deposit an amount of Rs.Fifteen lacs in this Court within six weeks from date. Until further orders of this Court, no action

to be taken qua both the Petitioners either pursuant to the said letter dated 25/4/2016 or pursuant to the Section 101 certificate either by the Recovery Officer or the HPCL though not a party to the above Petitions for remission of the commission from the said M/s. Mauli Gas Services Ltd.

7 List both the Petitions for admission on 20/06/2016.

[R.M.SAVANT, J]