

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6149/2015

(THE Z.P., WARDHA **VERSUS** WARDHA DISTRICT CENTRAL COOPERATIVE BANK, WARDHA & ORS)

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

Court's or Judge's orders

Shri P.D. Meghe, counsel for the petitioner.
 Mrs. K.S. Joshi, A.G.P. for the R-3.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : MARCH 04, 2016.

By this petition, the petitioner-Zilla Parishad seeks a direction to the respondent no.1-Bank to pay the amount of Rs.86,61,17,971/- to the petitioner-Zilla Parishad after the revival of the license of the respondent no.1-Bank, on priority.

It is stated on behalf of the petitioner that in the writ petition filed by the respondent no.1-Bank in this Court bearing Writ Petition No.2492 of 2014, this Court had, by an order dated 22.12.2015 directed the NABARD to carry out the inspection and also directed the Reserve Bank of India to decide the application of the respondent no.1-Bank, for grant of license as the application for grant of license was rejected. It is stated that as soon as the license is granted to the respondent no.1-Bank, it would be necessary for the respondent no.1-Bank to return the aforesaid amount to the petitioner.

Mrs. Joshi, the learned Assistant Government Pleader appearing on behalf of the respondent no.3, raises a preliminary objection to the tenability of the writ petition. It is stated that the petition is premature. It is stated that the Reserve Bank of India has yet not decided the application made by the respondent no.1-Bank for grant of license. It is stated that firstly, it would be necessary to conduct the bank audit followed by the audit

conducted by the NABARD and then the matter would be considered by the Reserve Bank of India. It is stated that it would be then decided by the Reserve Bank of India whether it would be possible to grant the license in favour of the respondent no.1-Bank or not. It is stated that in the aforesaid set of facts, the petitioner is not entitled to approach this Court as the license is not yet granted in favour of the respondent no.1-Bank.

We uphold the preliminary objection raised on behalf of the respondent no.3. We find that the petition is premature and the relief sought by the petitioner cannot be considered, at this stage. We, therefore, decline to entertain the writ petition. The writ petition is disposed of with no order as to costs.

The points raised in the petition are kept open.

We make it clear that we have not considered whether the writ petition could be entertained on merits.

JUDGE

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