

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26101 of 2006

ORDER:

This writ petition was filed by the Cooperative Urban Bank against the order passed in I.A.No.580 of 2006 in C.T.A.No.28 of 2006, dated 12-12-2006 passed by the A.P. Cooperative Tribunal at Hyderabad. C.T.A.No.28 of 2006 was preferred by respondent Nos.2 to 5 herein.

Pursuant to an interim order in W.P.No.10728 of 2005 an undertaking was given by the Managing Director of petitioner society on 14-03-2006 to deposit an amount of Rs.17,00,000/- in the event of this Court ordering the same in W.P.No.10728 of 2005.

Ultimately, the writ petition itself was disposed of along with two other writ petitions directing the respondents in the writ petition to consider refund of any excess amount paid by the petitioners in the writ petitions as on the date of depositing Rs.17,00,000/- i.e., over and above the amount settled under the scheme. The said amounts were stated to have been deposited by the borrowers pursuant to one time settlement and it is their case that even after one time settlement there was some excess amount paid by them and they were entitled to recover the same. Be that as it may,

C.T.A.No.28 of 2006 arose challenging the certificate, dated 18-11-2003 issued under Section 11 of A.P. Cooperative Societies Act.

The order impugned in the present writ petition was based on an interim order passed by this Court in W.P.No.10728 of 2005 which was disposed of finally by this Court on 13-08-2006. But on the basis of the interim orders in the said writ petition the Tribunal appears to have passed an order on 16-03-2006 to redeposit the amount of Rs.17,00,000/- and when the same was not done a notice was issued to the Managing Director of Bank for violation of the said order while asking the bank to adduce evidence.

Now, it is admitted that the respondents 2 to 5 had deposited the amount of Rs.17,00,000/- pursuant to one time settlement and if any excess payment was made it had to be adjudicated by the Tribunal. In the meanwhile, in view of the disposal of writ petitions by this Court the Tribunal cannot insist for redeposit of the amount, pending disposal of the C.T.A.

In the circumstances, the impugned order passed by the A.P. Cooperative Tribunal, Hyderabad is set-aside to the extent of issuing notice to the Managing Director of Bank for proceeding against him for violation of the interim order,

dated 16-03-2006 but the A.P. Cooperative Tribunal is directed to proceed with the appeal as expeditiously as possible and dispose of the same not later than six (6) months from the date of receipt of a copy of this order. The refund of any excess amount would be subject to further orders passed in the appeal by the Cooperative Tribunal.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

October 20, 2016

Pn

A. RAMALINGESWARA RAO, J



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