

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 13468, 13472 and 13473 OF 2005

Date 05.06.2017

W.P.No.13468 of 2005

Between:

The Prudential Cooperative Bank Limited,
Rashtrapathi Road, Secundeabad rep. by its
Liquidator, Sri V.Amarendar Rao.

... Petitioner

AND

The Visakhapatnam Cooperative Bank Ltd.,
Visakhapatnam rep. by its Secretary and others.

.....Respondents

W.P.No.13472 of 2005

Between:

The Prudential Cooperative Bank Limited,
Rashtrapathi Road, Secundeabad rep. by its
Liquidator, Sri V.Amarendar Rao.

... Petitioner

AND

The Visakhapatnam Cooperative Bank Ltd.,
Visakhapatnam rep. by its Secretary and others.

.....Respondents

W.P.No.13473 of 2005

Between:

The Prudential Cooperative Bank Limited,
Rashtrapathi Road, Secundeabad rep. by its
Liquidator, Sri V.Amarendar Rao.

... Petitioner

AND

The Visakhapatnam Cooperative Bank Ltd.,
Visakhapatnam rep. by its Secretary and others.

.....Respondents

HON'BLE SRI JUSTICE CHALLA KODANDA RAM**WRIT PETITION Nos.13468, 13472 and 13473 OF 2005****COMMON ORDER:**

All these Writ Petitions are filed by the Prudential Cooperative Bank Limited, now in liquidation.

There is no dispute that Visakhapatnam Cooperative Bank Limited (respondent No.1 – Bank) had deposited certain amount with the petitioner – Bank. For non-payment, proceedings were initiated before the A.P. Cooperative Tribunal, Visakhapatnam (Tribunal) and the Tribunal, after considering merits, had decreed the respective O.Ps. with costs.

These writ petitions are filed questioning the jurisdiction of the Tribunal to adjudicate the O.Ps. No such ground was raised before this Court, and it was not substantiated in any manner. Initially, writ petitions were disposed of by a Single Judge and the matter was carried in appeal before the Division Bench and finally, the same was culminated by orders of the Supreme Court in Civil Appeal No.5334 of 2012. The Supreme Court had remanded the matters to the learned Single Judge to decide the cases on merits.

Both the Counsel for the petitioner and respondents would submit that, in terms of the undertaking dated 10.07.2015 given by the petitioner, 50% was repaid and the balance is required to be settled.

Learned counsel for respondent No.1 submits that the concession given by respondent No.1 has been withdrawn on 07.10.2015.

Having considered subsequent developments and there being no ground to interfere with the O.Ps, and the petitioners had failed to substantiate lack of jurisdiction of respondent No.2 in adjudicating the O.Ps, the writ petitions are dismissed with liberty to the respective parties to work out their remedies in accordance with law.

Miscellaneous petitions pending, if any, in the writ petitions shall stand closed. No order as to costs.



CHALLA KODANDA RAM, J

Date:05.06.2017
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