IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13910 OF 2018
IN
WRIT PETITION NO. 2858 OF 2015

Kshama Renukadas Vaidya and Another ..APPLICANTS

VERSUS

Authorized Officer, IDBI Bank, Mumbai
and Others ..RESPONDENTS

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Mr. S.R. Deshpande, Advocate for applicants.
Mr. A.S. Pathak, Advocate for respondent nos.1 and 2.
Mr. S.G. Karlekar, A.G.P. for respondent – State.

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CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATED : 30th NOVEMBER, 2018

ORDER :

Mr. Deshpande, the learned Counsel for the applicant submits that pursuant to the directions of this Court, the petitioner has deposited the amount with D.R.T. and in this Court. The matter has been settled between the applicant and the non-applicant bank under One Time Settlement scheme. The petitioner is required to pay an amount of Rs.42,95,916/-. The petitioner has deposited 6% of the amount towards margin money and the balance amount required to be deposited is

Rs.42,49,817/-. According to the learned Counsel, the remaining amount to be paid by the applicant to the non-applicant bank as per the settlement is Rs.40,19,916/-.

2. Mr. Pathak, the learned Counsel for the non-applicant bank accepts that the applicant is required to pay the amount of Rs.40,19,916/- within a period of 30 days from the date of acceptance of One Time Settlement scheme. According to the applicant, the total amount deposited by the applicant pursuant to the order of this Court with D.R.T. and in this Court is Rs.41,00,000/- alongiwth accrued interest.

3. It may not be possible for this Court and D.R.T. to direct the Registry to deposit the said amount in the loan account of the applicant with the non-applicant bank. As the matter has been settled, we pass the following order :-

(I) We permit the non-applicant bank to withdraw the amount deposited by the applicant before this Court and D.R.T. alongiwth accrued interest.

(II) The non-applicant bank shall withdraw the said amount and credit the said amount in the loan account of the applicant with the non-applicant bank as per the One Time Settlement scheme arrived at between the applicant and the non-applicant.

(III) The excess amount that would be withdrawn by the non-applicant bank would be refunded to the applicant.

(IV) Civil application and writ petition are accordingly disposed of. No costs. Authenticated copy be given.

(R.G. AVACHAT, J.) **(S.V. GANGAPURWALA, J.)**

SSD