

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.357 OF 2018

[Abaccus Computer Systems and others .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri Y.V. Nayyar, Advocate for petitioners,
 Ms. N.P. Mehta, AGP for respondent nos.1, 4 and 7,
 Shri Parijat Pande, Advocate for respondent nos.2, 3 and 5.

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CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA JOSHI, JJ.

DATED : FEBRUARY 05, 2018

1. Petitioners, against whom an order of recovery of possession under Section 101 of the Maharashtra Co-operative Societies Act is already issued and is being executed, have approached learned Single Judge of this Court against that recovery.

2. Learned Single Judge has on 9.1.2018 granted interim protection subject to petitioners' depositing amount of Rs.50,00,000/- by 18.1.2018. Petitioners have not deposited that amount.

3. Advocate Shri Nayyar, on behalf of petitioners, informs that as amount could not be arranged, suitable application seeking extension of time has been moved in Writ Petition No.8280/2017 before learned Single Judge and it is still pending. He points out that application has been moved before 18.1.2018.

4. Respondents are opposing the petition.

5. Petitioners have placed reliance upon Government Resolution dated 15.11.2017 by which State Government has extended the scheme for One Time Settlement (OTS) to Co-operative Banks. Petitioners claim that they have sought its benefit for their loan by applying under that scheme. Bank has refused to evaluate the proposal because of orders of learned Single Judge mentioned (supra).

6. After hearing respective counsel, we find that petitioners are not in position to force One Time Settlement (OTS) on Bank. They have gone to learned Single Judge, obtained an order of protecting their possession and then have still not deposited the amount. Though application for extension was moved before last date stipulated for depositing that amount of Rs.50,00,000/-, no orders are obtained on that application till date.

7. In this situation, we find nothing wrong with the approach of the respondents-Bank. No case is made out. Petition rejected.

JUDGE

JUDGE