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

CIVIL APPLICATION (CAW) NO. 2914/2017
IN
WRIT PETITION NO. 2087/2016

The Wardha District Central Co-operative Bank Ltd.
..VS..
The District Consumer Redressal Forum & anr.

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

Shri S.K. Bhoyar, Advocate for the applicant/petitioner
Shri B.M. Lonare, AGP for the non-applicant/respondent no. 1
Shri S. Kalbande, Advocate for the non-applicant/respondent no. 2

CORAM : Z.A.HAQ, J.
DATED : 30/11/2018

As the amount as directed by this Court by the order dated 24/10/2016 is deposited, the prayer made in this application for vacating the interim order is not considered.

The civil application is **dismissed**.

CIVIL APPLICATION (CAW) NO. 2347/2018

The petitioner has deposited an amount of Rs. 4,64,894/- as per the interim order passed by this Court on 24/10/2016. The respondent no. 2 seeks permission to withdraw the amount.

It is undisputed that the amount deposited by the petitioner – Bank is of the respondent no. 2, he having deposited it in the account. Due to the administrative issues, an administrative board is appointed on the petitioner – Bank,

and as per the guidelines of the Reserve Bank of India, the administrative board has been taking decisions regarding the withdrawal of the amount by the depositors. As per the circular dated 03/07/2018, which is presently operating, the depositors are permitted to withdraw 50% of the amount of the deposit or Rs. 1,30,000/- whichever is less.

The non-applicant/respondent no. 2 has submitted that the circular cannot have an overriding effect over the order passed by the Consumer Forum directing the petitioner – Bank to permit the respondent no. 2 to withdraw the entire amount. The submission made by the learned advocate for the respondent no. 2 cannot be considered at this stage, because the legality of the order passed by the Consumer Forum is being examined by this Court in this writ petition which is admitted and is pending for final hearing.

However, by an interim order, the respondent no. 2 is permitted to withdraw Rs. 1,30,000/-. The balance amount be kept in nationalized bank in fixed deposit, until further orders.

The civil application is **disposed** in the above terms.

JUDGE

Ansari