

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

43 WRIT PETITION NO.7538 OF 2019

THE DHULE AND NANDURBAR DISTRICT CENTRAL CO
OPERATIVE BANK LTD DHULE THROUGH CEO
VERSUS
THE LIQUIDATOR P K ANNA PATIL JANATA SAHAKARI
BANK LTD NANDURBAR AND OTHERS

...
Mr. D.B.Thoke, Advocate for Petitioner.
Mr. K.D.Munde, AGP for Respondents-State.
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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 24th June, 2019

PER COURT :-

1. Mr. Thoke, the learned counsel for the petitioner submits that pursuant to the E-tender, the petitioner participated in the auction. The petitioner also deposited the amount, however, subsequently it is instructed that the auction proceedings are cancelled. According to the learned counsel, the discretion cannot be exercised by the respondent in such an arbitrary manner. The learned AGP accepts notice for respondent Nos.1 to 4 and submits that because of the charge on the property sought to be auctioned of the Maharashtra State Co-operative Bank. The said

auction proceeding is kept on hold.

2. It is not the case that the auction has not proceeded further at the behest of some party. The auction proceedings are not proceeded further and the petitioner is asked to take back its amount. The reason is also given that the property is under charge with Maharashtra State Co-operative Bank. Naturally, to avoid the further legal consequences the decision was taken by respondent No.1. Even otherwise, the charge runs with the property further legal complications would have a reason.

3. In light of that, it cannot be said that the act of Respondent No.1 was illegal.

4. The Writ Petition, as such is disposed of. No costs.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-