

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13940 OF 2019

STATE BANK OF INDIA THROUGH BRANCH MANAGER AND
ANOTHER
VERSUS
GAJANAN MAHADEO CHIMANKAR PROP GAJANAN ELECTRICALS

Mr.D.D.Choudhari, Advocate for the petitioners.
Mr.G.K.Naik Thigle, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 06/12/2019

PER COURT :

1. On 19/11/2019, I considered the submissions of the petitioners based on the judgment delivered by the National Consumer Disputes Redressal Commission, New Delhi in the matter of Standard Chartered Bank Vs. Virendra Rai [2013(2) CPC 294] wherein it is concluded that if a proceeding is pending u/s 34 of the SARFAESI Act, 2002, the District Forum or the State Commission have no power to interfere. The National Commission had relied upon Patel Raodways Vs. Birla Yamaha Limited [2000(4) SCC 91].

2. It is now pointed out that the proceedings under the SARFAESI Act between these parties were amicably settled on

25/08/2012. Since then, no proceedings are pending before the D.R.T. or even in the D.R.A.T.

3. In view of the above, I do not find that the pending proceedings in FA No.25/2018 could be interjected at this stage and the said issue is left open for the State Consumer Commission to decide in the said appeal, on it's own merits.

4. In so far as the order dated 30/01/2019 which is impugned in this petition is concerned, the respondent desires certain statement of accounts so as to find out whether he has been excessively charged. In my view, notwithstanding the strenuous submissions of the learned Advocate of the petitioner, a Bank operates it's business on trust and confidence of the depositors and the common man. Hence a direction to submit certain statement of accounts pertaining to the accounts of the respondent, need not be interfered with.

5. In view of the above, this petition is dismissed.

6. I was inclined to impose costs of Rs.25,000/- on the petitioner. However, Mr.Choudhari has earnestly requested that the costs should not be imposed and considering his standing at the bar, I am

not imposing any costs.

7. It is in the above backdrop, that the petitioner is directed to comply with the orders of the State Commission dated 30/01/2019, within 2 (two) weeks from today.

(Ravindra V.Ghuge, J.)