

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
933 CIVIL APPLICATION NO.11423 OF 2019
IN WP/1844/2019**

GORAJ COTSPIN PVT LTD THROUGH ITS DIRECTOR
..APPLICANT

VERSUS

THE UNION OF INDIA AND OTHERS ..RESPONDENTS

...

Mr. N. L. Jadhav, Advocate for the Applicant.

Mr. A. B. Dhongade and Mr. S. R. Deshpande,
Advocates for Respondent No.1.

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**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 20th SEPTEMBER, 2019.

PER COURT:-

1. The petitioner is seeking directions against the respondents to issue fresh letter of One Time Settlement (OTS) inconsonance with the order passed by this Court on 05.09.2019.

2. The writ petition is disposed of under order dated 05.09.2019.

3. The petition was filed challenging the communication dated 05.10.2018 rejecting the proposal for OTS and pursuant to the OTS scheme 2018 and also seeking restrain orders against the respondents from proceeding further with his property.

4. Under order dated 18.06.2019, we accepted statement of the petitioner that the petitioner would deposit Rs.25 lakhs within two days and Rs.75 lakhs within four weeks with the Bank. We had further passed order that, if the petitioner deposits the amount as undertaken by him, then the possession shall not be taken by the respondent pursuant to the notice dated 11.06.2019. The petitioner was directed to deposit the amount as possession of the property was threatened pursuant to the notice dated 11.06.2019.

5. Eventually, on 05.09.2019, the petition is disposed of as submission was made that the petitioner would take benefit of new OTS policy introduced on 30.08.2019.

6. It is submitted that the last date for submission of offer as per the OTS policy for getting consent of the petitioner is 23.09.2019.

7. Under order dated 05.09.2019, we had observed that the petitioner was directed to deposit an amount under order dated 18.06.2019 without prejudice to the rights and contentions of either parties. We had further observed that, in case, fresh proposal is given by the bank, then amount of Rs.1,00,00,000/- (Rs. One Crore only) deposited by the petitioner under order of this Court shall be adjusted while considering the fresh

proposal.

8. The amount of Rs.1,00,00,000/- (Rs. One Crore only) deposited was pursuant to the order of the Court to test the bonafide, as possession of the property was sought to be taken by respondents.

9. The amount is deposited pursuant to the orders of this Court. We would have directed the petitioner to deposit the amount in the Court. However, as respondent is a Bank, we had directed him to deposit an amount with the Bank, however, the same was without prejudice to the rights and contentions of either parties.

10. In light of the above, we clarify that the respondents while giving OTS offer may not consider an amount of Rs.1,00,00,000/- (Rs. One Crore only) deposited by the petitioner. The said amount of Rs.1,00,00,000/- (Rs. One Crore only) shall be considered as paid by the petitioner towards the OTS proposal. The same may not be considered as recovery.

11. Writ Petition is disposed of. No costs.

12. In view of disposal of writ petition, civil application also stands disposed of.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE