

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

927. WRIT PETITION No. 14338 / 2019

Dombivali Sahakari Bank Ltd.

...Petitioner

VERSUS

The State of Maharashtra and others

...Respondents

Mr. P.B. Paithankar, Advocate for petitioner

Mr. S.B. Yawalkar, Asstt. Govt. Pleader for respondents No. 1 to 3

CORAM : S.V. GANGAPURWALA

AND

AVINASH G. GHAROTE, JJ.

DATE : 27th November, 2019

PER COURT :

1. We have heard Mr. Paithankar, learned Advocate for the petitioner and Mr. Yavalkar, learned Asstt. Govt. Pleader.

2. The learned Asstt. Govt. Pleader submits that the possession of the stock of sugar in question is taken on 8th November 2019. By paper proclamation, auction notice was issued. Out of 2,64,868 quintals of sugar, auction has been held for 1.10 lakh quintals of sugar. The Auction Purchaser has lifted the major

portion of the sugar auctioned and is also depositing the amount with the Tahsildar and the Tahsildar is supposed to put the said amount in the accounts of the agriculturists. The process of the disbursing the amount to the agriculturists is simultaneously in progress. It is further submitted that almost three crores of the amount is disbursed. The total amount received is transferred by RTGS. The auction is held for 34 crores and the FRP dues were of Rs. 32,64,03,000/- with interest @ 15% p.a. The learned Asstt. Govt. Pleader submits that the remaining stock of sugar now is not being sold.

3. In case, the petitioner is aggrieved by the further auction taken by the respondents, it will have to assail the said auction and make prayers therein.

4. The petitioner is at liberty to take up appropriate proceedings so as to challenge the auction held by the respondents. In that case, all contentions of the petitioner and prayers made in the present petition are kept open.

5. As the amount of FRP payable is already recovered by the respondents, the remaining stock be desealed and returned in favour of persons with whom the goods were pledged i.e. the

petitioner.

6. With the aforesaid observations and the liberty, the writ petition is disposed of.

7. Authenticated copy be given.

(AVINASH G. GHAROTE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

Madkar