

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

WRIT PETITION NO. 868 OF 2017

Maharashtra State Financial Corporation .. Petitioner
Vs.
Union of India & Anr. .. Respondents

WITH
NOTICE OF MOTION NO. 391 OF 2017
IN
WRIT PETITION NO. 868 OF 2017

Maharashtra State Financial Corporation .. Petitioner

In the matter between

Maharashtra State Financial Corporation .. Petitioner
Vs.
Union of India & Anr. .. Respondents

WITH
CHAMBER SUMMONS (STAMP) NO. 146 OF 2017
IN
WRIT PETITION NO. 868 OF 2017

Dharmasheela R. Sarkate & Ors. .. Applicants

In the matter between

Maharashtra State Financial Corporation .. Petitioner
Vs.
Union of India & Anr. .. Respondents

Mr. Puneet Gogad i/b Shamika Ranade for the Petitioner.
Mr. Sachin Kanse i/b PRS Legal for Respondent No.2.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**
DATE : 18th NOVEMBER, 2019.

P. C. :

1. Claim of Small Industries Development Bank of India before the Debt Recovery Tribunal in proceedings under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 was decreed in sum of ₹ 313,03,27,622/- against Maharashtra State Financial Corporation on 02.06.2016.
2. Maharashtra State Financial Corporation filed Appeal under Section 20 of the Act before the Debt Recovery Appellate Tribunal and as per the then existing proviso to Section 21 of the Act sought waiver of the pre-deposit of the decretal amount.
3. The Appeal and the application seeking waiver of pre-deposit was filed on 30.06.2016. The application seeking waiver of the pre-deposit was decided vide impugned order dated 24.03.2017. Between the date when the Appeal was filed and the application seeking waiver was disposed of the Act was amended on 01.09.2016. The proviso to Section 21 was amended to incorporate that exercise power of waiver, the Appellate Tribunal shall not waive the pre-deposit amount less than 25% of the decretal amount.
4. Thus, the Appellate Tribunal reduced the deposit of the decretal amount to 25%.
5. Noting that the Corporation established by the State Government for fighting for last over two years this Court has been trying to ensure that the dispute could be amicably resolved. The dispute continues to

simmer.

6. Noting that the impugned order dated 24.03.2017 has been passed with reference to the amended proviso to Section 21 of the Act, we dispose of the Writ Petition directing the learned DRAT to re-decide M.A. No. 490/2016 keeping in view the proviso of Section 21 as it existed when the M.A. No. 490/2016 was filed.

7. In view of disposal of Writ Petition, Notice of Motion No. 391/17 and Chamber Summons (Stamp) No. 146/17 do not survive and are disposed of.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
Kadam
Date:
2019.11.18
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