

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

WRIT PETITION (L) NO.3999 OF 2018

Vador Infratech Private Limited & Ors.	..Petitioners
Versus	
G. S. Mahanagar Co-operative Bank Limited & Ors.	..Respondents

WITH
CHAMBER SUMMONS NO.172 OF 2019
IN
WRIT PETITION (L) NO.3999 OF 2018

Ravichandra S. Hegde & Anr.	..Applicants
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IN THE MATTER BETWEEN

Vador Infratech Private Limited & Ors.	..Petitioners
Versus	
G. S. Mahanagar Co-operative Bank Limited & Ors.	..Respondents

Mr. Rohan Cama i/by T. N. Tripathi, Advocate for the Petitioners.
Mr. Kevic Setalvad, Senior Advocate a/w P. A. Sarwankar i/by
Sarwankar & Co., Advocate for Respondent No.1.
Mr. Venkatesh Dhond a/w Kirti Ojha i/by Udwadia & Co., Advocate
for Respondent No.5.
Mr. Himanshu Takke, AGP for Respondent Nos.7 & 9 – State.
Mr. Mohit Sahani i/by Ashish Mehta, Advocate for Respondent No.8.
Dr. Birendra Saraf a/w Mr. Paras Parekh, Mr. Rupesh Geete, Ms.
Sanaya Kapadia i/by Parinam Law Associates, Advocates for the
Applicants/Intervenors in the Chamber Summons.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 22nd NOVEMBER, 2019**

P.C.

1] The Writ Petitioners challenge a Sale Certificate dated 6th December 2016 and another Sale Certificate dated 19th June 2017. The Sale Certificates were the result of proceedings initiated by the 1st Respondent Bank to recover dues payable by the Petitioner No.1. The Sale Certificates were issued in the name of highest bidders being Respondent No.3 which in turn has now sold the property to Ravichandra S. Hegde and Vibha Ramchandra Hegde, who we informed have filed Chamber Summons to be impleaded as Respondents and represented through learned counsel Dr. Birendra Saraf, Advocate instructed by Parinam Law Associates.

2] As regards State of Maharashtra, the challenge to the central legislation empowering Co-operative Banks functioning under the Maharashtra Co-operative Societies Act taking action under SARFAESI Act, 2002 is concerned has been negated. Meaning thereby, Co-operative Banks governed by the Maharashtra Co-operative Societies Act, 1960 could resort to action under SARFAESI Act, 2002. A contra view has been taken by the Gujarat High Court and the matter currently awaits adjudication before the Supreme Court.

3] In the light of the aforesaid facts, learned counsel for the

Petitioners seeks leave to withdraw the Writ Petition with a right to initiate appropriate proceedings before a Fora available to be kept intact.

4] Needless to state if the Petitioners have a right to maintain an action before any Fora they can do so and in such eventuality it would be obvious that all defences permissible and contention to oppose the claim permissible by law would be and could be urged by any party impleaded as Respondent before the Fora in said proceedings.

5] So observing, we dispose of the Petition as not pressed.

6] We formally implead (i) Ravichandra S. Hegde and (ii) Vibha Ravichandra Hegde, both R/o Flat Nos.301, 302, Lakshi Habitat, Plot No.404, Suburban Schedule No.3, 7th Cross Road, Chembur, Mumbai-400 071, as Respondent Nos.10 and 11 in the Writ Petition and permit learned counsel for said parties to formally incorporate their names as Respondent Nos.10 and 11 before the Prothonotary within a week from today.

7] In view of disposal of Writ Petition, Chamber Summons does not survive and is also disposed of.

**Balaji G.
Panchal**

Digitally signed by
Balaji G. Panchal
Date: 2019.11.25
10:51:22 +0530

SMT. BHARATI DANGRE, J

CHIEF JUSTICE