

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA***  
***WRIT PETITION NO.940 OF 2019***

Kalidas Narayan Vernekar  
and another.

..... Petitioners.

Versus

Goa State Co-operative Bank Ltd.  
and others.

..... Respondents.

Mr. Vibhav Amonkar, Advocate for the Petitioners.

Mr. S. R. Rivankar, Advocate for Respondent No.1.

Mr. D. J. Pangam, Advocate General with Ms. M. Correia,  
Additional Govt. Advocate for Respondents No.2 & 3.

***Coram : M.S. Sonak &***  
***Smt. M.S. Jawalkar, JJ.***

***Date : 2<sup>nd</sup> January, 2020.***

**P.C. :**

Heard Mr. Vibhav Amonkar for the Petitioners, Mr. Rivankar for Respondent No.1 and Mr. D. Pangam, learned Advocate General with Mr. M. Correia, Additional Govt. Advocate for Respondents No.2 and 3.

2. On the basis of the statement made by the Petitioners, this Court was persuaded to grant installment facility to the Petitioners, coupled with an ad interim relief. This is recorded in our order dated 22nd October, 2019, in which, it was made clear that even the issue

of availability of the alternate remedy is kept open.

3. Today, it transpires that no amount has been deposited in pursuance of the statement made on behalf of the Petitioner No.1 who was present in the Court.

4. Mr. Amonkar points out that in a connected Petition, the Petitioners have paid the loan amount to the Bank. Upon further query, Mr. Amonkar admits that the loan amount in the connected matter, as well as the Bank in the connected matter are entirely different. Obviously, therefore, the conduct of the Petitioners in some other petition, connected with some other loan account with some other Bank, cannot assist the Petitioners in the present case.

5. The Petitioners, clearly have an alternate and efficacious remedy available before the Debt Recovery Tribunal. Besides, the conduct of the Petitioners is also not such that would entitle the Petitioners to any discretionary relief in exercise of writ jurisdiction.

6. For the aforesaid reasons, this Petition is dismissed, however, retaining liberty to the Petitioners to avail of the alternate remedy available. Request for protection is entirely misconceived and is, in fact, required to be rejected, with costs. However, at the persuasion of Mr. Amonkar, no costs are imposed.

***Smt. M.S. Jawalkar, J.***

***M.S. Sonak, J.***