

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3033 OF 2016

Shankar Maruti Jadhav & Anr.	...Petitioners
vs.	
Palus Sahakari Bank Ltd.	...Respondent

.....

Ms. Prabha Badadare, Advocate for Petitioners.

**CORAM : C.V. BHADANG, J.
DATE : 07th JANUARY, 2020**

P.C.

1. The petitioner had applied to the respondent Bank to extend the benefit of one time settlement (OTS) scheme to the petitioner which application was rejected by the respondent. The petitioner approached the Co-operative Court at Sangli under Section 91 of the Maharashtra Co-operative Societies Act, 1960 ('Act' for short) to extend the benefit of OTS scheme to the petitioner. That dispute was registered as Dispute No.248/2011. The Co-operative Court by the impugned order dated 10/3/2014 has dismissed the said dispute on a preliminary issue for want of jurisdiction which order is a subject matter of challenge in the present petition.

2. On hearing the learned counsel for the petitioner, it appears that the respondent Bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and the Co-operative Court has noted that the action initiated under the said

Act can be challenged under section 17 of the said Act. The Co-operative Court has further noted the decision of this Court in the case of **Punjab National Bank vs. Sahu Jain Charitable Society and Ors. 2007(6) Mh.L.J. 3** in which it has been held that the provisions of SARFAESI Act are applicable to the Co-operative Banks. In any event, I do not find that any exception can be taken to the order passed by the Co-operative Court holding that the Co-operative Court would lack jurisdiction to give a direction to the Bank to extend the benefit of OTS scheme.

3. In that view of the matter, no case for interference is made out. The petition is without any merit and is accordingly dismissed with no order as to costs.

C.V. BHADANG, J.