

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

902 CIVIL APPLICATION NO.4358 OF 2021

IN

WRIT PETITION NO. 3235 OF 2019

SWASTIK TUNGSTAN PVT LTD THROUGH DIRECTOR AND AJIT
SHAMRAO ARBATTI ANOTHER
VERSUS
DISTRICT MAGISTRATE AND THE COLLECTOR AHMEDNAGAR AND
OTHERS

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Advocate for Applicants : Mr. V. D. Hon, Senior Counsel i/b
Mr. Shinde Abasaheb D.

AGP for Respondent No.1: Mrs. V. S. Choudhari

Advocate for Respondent Nos.2 & 3: Mr. A. A. Mishra

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**CORAM : UJJAL BHUYAN &
M. G. SEWLIKAR, JJ.**

DATE : 9th April, 2021

P.C. :

. Heard Mr. Hon, learned senior counsel for the applicants/
petitioners and Mr. Mishra, learned counsel for respondent nos.2 & 3
i.e. Bank of Maharashtra; Mrs. Choudhari has appeared for
respondent no.1.

2. On 07.04.2021, we had passed the following order:

“ Heard Mr. Hon, learned senior counsel for the applicants
and Mr. Bolkar, learned counsel for respondent nos.2 and 3
i.e. Bank of Maharashtra.

2. This civil application has been filed by the applicants seeking a direction to respondent nos.2 to 4 more particularly respondent no.4 to grant time to deposit Rs.6,32,50,000.00 till 31.12.2021 following the compromise arrived at between the applicants and respondent nos.2 and 3 on 20.02.2021.

3. After hearing learned counsel for the parties and on due consideration, we are of the tentative opinion that in view of the present covid situation in the State, it would be in the interest of justice if the time for payment of the aforesaid amount earlier fixed on 31.03.2021 is extended to 31.07.2021.

4. Mr. Bolkar, learned counsel for respondent nos.2 and 3 may obtain instructions in this regard.

5. List the matter on 09.04.2021 'high on board'."

3. Today Mr. Mishra, learned counsel for respondent nos.2 and 3 submits on the basis of instructions that it is not possible for respondent nos.2 and 3 to extend the time limit for payment of Rs.6,32,50,000.00 beyond 31.05.2021. Even in that case the borrower has to file an application before respondent nos.2 and 3 whereafter it would be placed before the Management Committee for approval.

4. We have taken note of the submissions made by Mr. Mishra as well as the order passed by us on 07.04.2021. Having regard to the alarming covid situation in the State which has

impacted business activities of one and all, we are of the view that it would be in the interest of justice if the time limit for payment of the aforesaid amount earlier fixed on 31.03.2021 in terms of the settlement be extended to 31.07.2021.

5. Ordered accordingly.

6. In view of the above order, writ petition is disposed of by granting the relief in terms of prayer clause 'C' which is extracted as under:

"C) Issue a writ of mandamus or writ in the nature of mandamus thereby directing the respondent Nos.2 and 3 not to take any coercive action in pursuance to the impugned order dated 11.2.2019 and also permit the petitioners to repay the loan amount in respect of the term loan by 31.3.2019 and in respect of the cash credit loan amount by granting benefit under one time settlement scheme and sufficient time to repay the said loan amount."

7. Consequently, name of the petitioners shall not be withdrawn by respondent Nos.2 and 3 from the one time settlement scheme.

8. With the above directions, Civil Application as well as Writ Petition are disposed of.

(M. G. SEWLIKAR, J.)

(UJJAL BHUYAN, J.)