

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

915 WRIT PETITION NO.12779 OF 2021

PROMODKUMAR S/O MADHAVRAO WAGHMARE
VERSUS
THE AUTHORISED OFFICER AND ANOTHER

...
Advocate for Petitioner : Mr. Hamzakhani I. Pathan.
...

CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE : 23rd November, 2021.

P.C.:

1. Mr. Pathan, learned counsel submits that in fact the respondent bank had agreed to grant installments to the petitioner. The bank did not communicate the installments. However, now has issued notice for paying the entire amount or else the proceedings under Section 101 would be initiated. The learned counsel submits that though the letter was given in January 2021 to grant installments, the bank never communicated the installments to the petitioner. The petitioner would have paid the amount if the installments would have been communicated.

2. The notice issued by the bank is claiming the amount of recovery and directing the petitioner to make payment or else the proceedings under Section 101 would be initiated.

3 In case the proceedings under Section 101 are initiated, the petitioner will have opportunity to file say to the said proceedings and put forth all the defences available.

4 With the above observations, the writ petition is disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

nga