

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.2915 OF 2022
IN WRIT PETITION NO.6528 OF 2019
BHAGWAN VIDYA PRASARAK MANDAL BEED THROUGH ITS
SECRETARY ANILKUMAR SANAP
VERSUS
DWARKADAS MANATRI NAGARI SAHKARI BANK BEED
THROUGH CHIEF EXECUTIVE OFFICER AND OTHERS
WITH
WRIT PETITION NO.6528 OF 2019
WITH
WRIT PETITION NO.6499 OF 2019

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Advocate for Applicant : Mr. S. S. Thombre.
Advocate for Petitioners : Mr. N. P. Bangar.
AGP for Respondent/s-State : Mr. P. S. Patil.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 28.02.2022

PER COURT :-

1. The applicant has filed this application purely out of an apprehension as to whether his application seeking One Time Settlement under the One Time Settlement Scheme (O.T.S.) published by respondent No.1-Bank on 11.01.2022 in "Dainik Parshwabhumi", has reached respondent No.1 or not. If respondent No.1 takes a stand that the application is not received by it, the petitioner would be in great difficulty as

today is the last day for filing such application. Any application to be filed after 28.02.2022, would be time barred.

2. We, therefore, granted a pass over to the learned advocate representing respondent No.1-Bank to take instructions and he informs that though the petitioner has five loan accounts, only one application is filed and that has been received by respondent No.1. The said single application contains a request of the petitioner to consider all five loan accounts for O.T.S. Though an amount of Rs.11,30,430/- has been deposited in the backdrop of the total outstanding amounts shown by the Bank, there is a possibility that some more amount towards 5% deposit may be required. However, he submits that the Bank would consider the said application only in accordance with the O.T.S.

3. In view of the above, the apprehension voiced by the applicant is put to rest and the present Civil Application is, therefore, disposed off.

4. Respondent No.1-Bank has preferred Writ Petition No.6528 of 2019 in which prayer clauses "B" and "C" are as under :

"B. This Hon'ble Court may kindly be pleased to hold and declare that the Government Resolution dated 15/11/2017 issued by State of Maharashtra in regard to One time settlement is violative of the various provisions of the constitution of India and hence be declared that same is illegal, ultra-vires and void."

"C. That the Hon'ble Court may kindly be pleased to issue writ, order, direction in the appropriate nature thereby the order dated 20/03/2019 passed by commissioner cooperation Pune be quashed and set aside and it is further prayed that the respondents may kindly be held ineligible for getting benefits under government resolution dated 15/7/2017 in regard to O.T.S. Scheme."

5. The petitioner-Bank which is under an Administrator, has itself floated the O.T.S. by publishing the advertisement dated 11.01.2022 in "Dainik Parshwabhumi" vide which defaulters are granted the leave to tender their O.T.S. applications.

6. Both the Writ Petitions be listed on 03.03.2022 for "passing orders".

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-