

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

WRIT PETITION NO.12079 OF 2021

SAMARTH URBAN COOPERATIVE BANK LTD THROUGH ITS
MANAGER
VERSUS
ARCHANA COLLECTION THROUGH ITS PROPRIETOR AND
ANOTHER

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Mr. Arvind Deshmukh, Advocate for the Petitioner.
Mr. Avinash A. Khande h/f Mr. G. V. Sukale,
Advocate for Respondent No.1.

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CORAM : SANDEEP V. MARNE, J.

DATED : 11th NOVEMBER, 2022.

PER COURT:-

1. The petition is filed by the petitioner Bank assailing the judgment and award passed by the Judge, Co-operative Court, Latur dated 09.01.2018 as well as judgment and award passed by the Member, Maharashtra State Co-operative Appellate Court, Bench Aurangabad dated 29.11.2019.

2. Proceedings were initiated by respondent no.1 before the Co-operative Court under Section 91 of the Maharashtra Co-operative Societies Act, 1960 for settlement of the amount due under the loan account. The Co-operative Court recorded findings that the account had become Non Performing Asset (NPA) from 19.10.2004 and had directed the petitioner Bank to assess the amount of interest and penal interest as per rules and issue statement

to that effect to respondent no.1. Aggrieved by this direction, the petitioner Bank filed Appeal No.44/2018 before the Appellate Court, which has upheld the order passed by the Co-operative Court, but has remanded back the matter for ascertaining of the exact amount payable by respondent no.1 to the petitioner Bank.

3. I do not find any error being committed either by the Co-operative Court or by the Appellate Court in issuing the said direction.

4. The petition is devoid of merits and the same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE