IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.4717 OF 2022

VILAS BHANUDAS BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. N.L. Jadhav
AGP for Respondent/State : Mr. S.G. Karlekar
...

CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.

DATED : JULY 27, 2022.

PER COURT :

1. The petitioner has put forth prayer clauses 'B', 'C', 'D' and 'E' as under :-

B) By issuing a writ of mandamus or any other writ, order or directions in the nature of writ of mandamus directions the respondent No.3 be directed to settle the account of the petitioner under one time settlement proposal of the petitioner and give the benefit of the said scheme in view of the Government Resolution 15.11.2017 and 13.8.2021 and GR. Issued time to time by the respondent No. 1 in pursuance of the guidelines issued by the Reserve Bank of India in view of section 21 and 35 of the Banking Regulation Act, 1949, within period of one month.

C) The impugned order dated 02.07.2021 issued by the District Magistrate thereby directing the Sub Divisional Magistrate to take an action in respect of possession of land of the petitioner from Survey No./Gut no. 377, 493, 399, 480, 423, 372, 335 situated at khadki (Ghat) Tq. And Dist. Beed. May kindly be stayed.

D) Pending hearing and final disposal of this writ petition, the respondent No. 3 or acting anybody on behalf of them may kindly be restrained from taking any coercive action against petitioner.

E) Pending hearing and final disposal of this writ petition, the respondents may kindly be restrained to take action against the petitioner under section 101 and 107 of the Maharashtra Co-operative Societies Act, 1960 as well as u/s. 138 of Negotiable Instruments Act in respect of the dispute of the above two loan accounts.

2. We have perused the Government Resolution (GR) dated 15.11.2017, by which one time settlement (OTS) scheme was made applicable to the Co-operative Banks. We have also perused the GR dated 13.08.2021 and more particularly, clause 4 which extends the scheme only till 28.02.2022, within which period, the applications for OTS must be tendered. A pre-condition of the scheme is that the loan account should be non performing assets (NPA) prior to 31.3.2016. The petitioner's two loan accounts became NPA on 30.10.2005 and 12.1.2006. However, we find from the record before us that the petitioner tendered an application for taking the benefit of the GRs dated 15.11.2017 and 13.8.2021, by moving an application dated 28.2.2022, which was sent to respondent nos. 3 by Speed Post A.D. Apparently, the said application has not reached the said bank, on or before 28.2.2022.

3. The contention of the petitioner is that though in the above circumstances, his application may be outside the purview of the G.Rs. due to the time limit, respondent no. 3 has still entertained

the application dated 28.2.2022, which it has received on 4.2.2022, vide communication dated 2.5.2022, copy (15 pages) of which is placed before us and which is collectively marked as 'X' for identification. It is, therefore, submitted that this Court may atleast direct Reserve Bank of India (RBI) to consider the representation 'X', as may be permissible in law. RBI has been arrayed as respondent no. 2.

4. In view of the above, this petition is disposed off.

5. We would expect, respondent no. 2 – RBI to consider the representation of the petitioner dated 2.5.2022, only if it is within the framework of law and issue appropriate directions, as may be permissible in law, policies applicable and the two G.Rs. dated 15.11.2017 and 13.8.2021.

[ARUN R. PEDNEKER J.] **[RAVINDRA V. GHUGE, J.]**

SSC/