

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.6528 OF 2019  
WITH WP/6499/2019

DWARKADAS MANTRI NAGRI SAHKARI BANK BEED THROUGH CHIEF  
EXECUTIVE OFFICER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.N.P.Bangar, Advocate for the petitioner.  
Mrs.M.A.Deshpande, AGP for respondent Nos. 1 and 2.  
Mr.S.S.Thombre, Advocate for respondent No.3.

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

DATE : MARCH 3, 2022

PER COURT :

1. On 28/02/2022, we have passed an order on CA No.2915/2022.
2. The petitioner/Bank is presently functioning under an Administrator, who has floated an OTS by publishing an advertisement on 11/01/2022 in "Dainik Parshwabhumi" Dist.Beed thereby permitting certain loan account holders to tender their OTS applications. Since respondent No.3 loan account holder has tendered an application within the time prescribed and the filing of the

application has been acknowledged, we observed in our order dated 28/02/2022 in paragraph Nos.2 to 6 as under :-

*"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 Parshwabhami" 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".*

3. The learned Advocate for the petitioner/Bank submits that the Commissioner (Co-operation) and Registrar, Co-operative Societies, Maharashtra State, Pune has delivered an order dated 20/03/2019, which is impugned in this petition. Now that there is an Administrator, Clause 2 of the operative part of the order should not run contrary to the OTS that has been floated.

4. The learned Advocate for the loan account holder submits that

the GR dated 15.11.2017 with the terms set out in Annexure “A” thereto, are applicable to the present respondent No.3 and the OTS application can be decided on its own merits in accordance with the applicable guidelines of the RBI and the terms of the OTS.

5. Considering the above, both these petitions are disposed off. It is made clear that we have not expressed any opinion or view as regards the OTS application filed by respondent No.3 and the competent authority would decide the said application in accordance with Law.

( S.G. MEHARE, J. )

( RAVINDRA V. GHUGE, J.)