

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2492 OF 2022

Hitesh Harshad Gosalia & Ors.

... Petitioners

Vs.

Bank of Maharashtra Assets Recovery Department

... Respondent

Mr. Yatin R. Shah a/w Ms. Shweta Singh, Ms. Kajal Gupta, Ms. Divya Tekwani for Petitioner.

Mr. Varun Prakash i/by Singhi & Co. for Respondent.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.**

DATED : 12th AUGUST 2022

PC. :

1. By consent, prayer clauses (a), (b) and (c) of the Petition are granted, which read as under :-

“(a) this Hon’ble Court be pleased to issue a writ of Certiorari or any other appropriate writ, order or direction in the nature of Certiorari calling for the record of the Recovery Proceeding No.100 of 2012 and after examining the legality, validity and propriety of the impugned order passed by the Recovery Officer II, DRT Pune under Exhibit 20 dated 12.2.2020 be pleased to quash and set aside the same;

(b) that this Hon’ble Court be pleased to Writ of Mandamus or any other appropriate Writ, order or direction in the nature of Mandamus ordering and directing the Respondent Bank to discharge the Petitioners from the Recovery Proceeding No.100 of 2012 and issued the necessary discharge certificate to the Petitioners as the compromise has already been finalised and recorded between the parties as of March 2019;

(c) that this Hon'ble Court be pleased to direct the Respondent bank to issue proper intimation to the CIBIL authority to record discharge of the Petitioners from their liability qua the Respondent in Recovery Proceeding 100 of 2012;"

2. Petition disposed accordingly.

3. Mr. Varun Prakash instructed by Singhi & Company undertakes to file Vakalatnama within one week from today. Undertaking accepted.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)