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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 110 OF 2022

IN

WRIT PETITION NO. 11537 OF 2019

Bhoruka Drum & Allied Ind. Pvt. Ltd.

.....Petitioner

Vs.

Bank of Maharashtra

.....Respondent

Mr. Rajneesh Agarwal a/w Mr. Siddharth Samantary for Petitioner.
Mr. Jayesh Desai i/by Singh & Co. for Respondent.

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

DATE : 21st OCTOBER, 2022

PC.:-

1. This Review Petition is taken out in view of an observation made by the Hon'ble Apex Court in an order dated 23rd September, 2022. In the said order Petitioner's counsel's submission "*the said Court had erroneously recorded that the mortgaged property had been sold to a third party, who had drawn money from another Bank, and that Bank had also sold the subject property to a further third party*" had been recorded.
2. Mr. Agarwal pointed out that in paragraph No.9(d) it is recorded by the Court that the property has already been sold to a third party who had borrowed money from another Bank and that the other Bank had also sold the property to another party.

In the said paragraph, we have only recorded the submission of Mr. Desai and Mr. Desai stands by what is recorded therein. At the same time, Mr. Desai states that the possession was taken only in 2020 and not during the relevant period which was March, 2018.

3. Mr. Agarwal also pointed out that the Court's observation in para 10 last sentence "*this was because the security was not in possession of respondent*" is also not correct.

Mr. Desai states that the observation is correct because at the time when the OTS proposal was made in 2018, the property was not in the possession of Respondent or its Recovery Officer.

4. In view of our clarification, there is no need to review. No case for review is made out. Petition dismissed.

5. At the same time, Mr. Desai states that if Petitioner wish to resolve the matter, Respondent is always ready to consider the proposal.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)