

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

904 WRIT PETITION NO.4257 OF 2023

**JAIN TREADING COMPANY  
THROUGH ITS PROPRIETOR PARASMAL MOTILAL JAIN  
VERSUS  
THE DISTRICT MAGISTRATE COLLECTOR AND OTHERS**

...

Mr. P. S. Anerao, Advocate for the petitioner  
Mr. S. K. Tambe, AGP or the Respondents State

CORAM : RAVINDRA V. GHUGE, &  
Y. G. KHOBRAGADE, JJ.

DATE : 8th June, 2023

**ORDER:**

1. The learned Advocate for the petitioner submits on instructions that this petition is being withdrawn to the extent of prayer clauses (B) and (D). In view of the same, this petition stands disposed off as regards prayer clauses (B) and (D).

2. Insofar as prayer clause (C) is concerned, it is prayed that respondent No.3 Bank may be directed to consider the said proposal since the OTS Scheme has now been extended and is presently in operation.

3. Normally, this Court would not issue a Writ of Mandamus to a Bank to per-force accept an OTS proposal. Every Bank, under the guidelines of RBI, can float a onetime settlement scheme with certain

modalities. The Borrower has to comply with the said modalities. This is best left to the discretion and jurisdiction of the Bank for decision.

4. In view of the above, this **petition is disposed off** with the expectation that respondent No.3 will consider the proposal of the petitioner, if the same is in tune with the OTS scheme and provided, there is no other legal impediment.

5. Needless to state, the other prayers set out are not being entertained.

( Y. G. KHOBRADE, J. )

( RAVINDRA V. GHUGE, J. )

JPChavan