

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO.13446 OF 2023

KARMAVEER PRATISHTHAN JALNA THROUGH IT'S PRESIDENT
VERSUS
MAHARASHTRA GRAMIN BANK THROUGH ITS GENERAL MANAGER
AND ANOTHER

Mr.S.V.Dixit, Advocate for the Petitioner.
Mr.P.P.Shahane, Advocate for Respondent No.1.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : OCTOBER 30, 2023

PER COURT :

1. The Petitioner is before this Court practically by way of a chance petition praying that this Court should issue a Writ of Mandamus to the Respondent Maharashtra Gramin Bank directing it to accept the OTS proposal of the Petitioner.

2. The learned Advocate for the Bank has placed on record a copy of the judgment delivered by the Debts Recovery Tribunal at Aurangabad in Securitization Application No.290/2023 dated 18.10.2023. While delivering the judgment, we find that the learned

D.R.T. has come to a conclusion that the auction of the property has been done. Rs. 90,00,000/- was the offset price and the auction fetched an amount of Rs.2.79 crores. This was a third attempt to auction the mortgaged property. The Petitioners/co-applicants proposed only Rs.80,00,000/- as a settlement amount and have tried to deposit Rs.8,00,000/-. The learned Tribunal further concluded that when the Bank succeeded in getting a huge amount through the auction proceeds to meet the loan account, there would be no reason for the Bank to now enter into an OTS for a paltry amount of Rs.80,00,000/-.

3. The Petitioner does have a statutory remedy of approaching the Appellate Tribunal.

4. In view of the above, we do not find that this is a fit case for issuing a Writ of Mandamus to a Bank to accept an OTS. **This Petition, therefore, is dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)