

Rajeshri Aher

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

WRIT PETITION NO. 5989 OF 2021

The Liquidation, The Ichalkaranji Urban
Co-operative Bank Ltd. Ichalkaranji (In
Liquidation)

...Petitioner

Versus

Special Recovery And Sales Officer and Anr.

...Respondents

....

Mr.G.H. Keluskar with Mr. Sudhir Prabhu, Advocate for Petitioner.
Mr.Nana D. Yelkar, Advocate for Respondent Nos.1 and 2.

....

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 20th April 2023

P.C.:

1 Respondent No.1 had passed an order dated 15th March 2016 attaching all the immovable properties belonging to Ichalkaranji Urban Cooperative Bank Limited (Ichalkaranji Bank in liquidation). The attachment order came to be passed in view of the claim that Respondent No.2 bank had against the Ichalkaranji Urban Cooperative Bank amounting to Rs.13,84,29,895.99.

2 Petitioner filed objections on 5th May 2018 against the attachment order, which according to Petitioner is yet to be decided. Petitioner therefore filed this petition seeking the following reliefs:

- a. *to call for record and proceeding in respect of the attachment order No. Pra.Ka.Kolhapur/SRO/3702/2015-16 dated 15th March 2016 from Respondent No.1;*
- b. *to issue writ of mandamus or any other appropriate writ to Respondent No.1, directing thereby to decide the objections dated 5th May 2018, raised by the Petitioner to the attachment order dated 15th March 2016,*
- c. *to direct the Respondent No.1 to not to proceed to sale the attached properties till decision on the objections raised by the Petitioner,*
- d. *to direct the Respondent No.1 to not to proceed to sale the attached properties till decision of this writ petition.*

3 Mr.Yelkar for Respondents states that Respondents are yet to take any further steps pursuant to the order of attachment and Respondent No.1 is yet to consider the objections filed almost five years ago by Petitioner. Therefore, what is certain is: (a) for over 7 years, Respondent No.1 has not taken further steps after passing the attachment order and (b) for almost five years waited to decide the objections by Petitioner.

4 In the circumstances, we dispose this Petition with following directions:

:: ORDER ::

- (i) Respondent No.1 shall, on or before 31st May 2023 consider the objections dated 5th May 2018 filed by Petitioner;

- (ii) Before passing any orders, personal hearing shall be given to parties, notice whereof shall be communicated atleast five working days in advance;
- (iii) Petitioner shall personally or through a duly authorised representative attend the personal hearing at the time and date fixed;
- (iv) The order shall be a reasoned order dealing with all objections raised by Petitioner/parties;
- (v) We clarify that we have not made any observations on the merits of the matter.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)