

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 30628 OF 2022
IN
WRIT PETITION NO. 8608 OF 2022

Sheela Sushilkumar Madhmual. ...Applicant.

In the matter between

Sheela Sushilkumar Madhmual. ...Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. Siddhesh Pilankar and Mr. Sumit Kate for the Applicant.

Mrs. Shruti D. Vyas, B Panel counsel for the Respondent-State.

Mr. Mayur Khandeparkar i/b Rajesh Kothari & Co., for Respondent No. 3.

**CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.**

DATE : 6 January 2023.

P.C. :

This application is taken out in the writ petition which is already disposed of. In the writ petition, the Petitioner had sought a direction regarding the one time settlement scheme and had sought to stay the auction to be conducted by the Respondent.

2. The action of the Respondent was under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is settled law as regards the

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questioning the action under the provisions of the said Act, that the appropriate remedy is to approach the Debts Recovery Tribunal. Even as regards the writ of *mandamus* to the banks to accept the one time settlement, issue of writ of *mandamus* should be extremely limited, if at all. In spite of this position, this Court had shown indulgence as the parties had agreed to certain course of action and has disposed of the writ petition on 19 October 2022. The consensus was that the Petitioner would get the buyer or make the payment by 31 December 2022. The petitioner has failed to do either and made an application for extension on 4 January 2023. The Respondent-bank has opposed the application stating that it is nothing but delaying tactic, and this was not the agreement between the parties.

3. We had granted time to the petitioner out of indulgence to show *bona fides* of the purchaser. An affidavit has been filed where name of the only proposed purchaser is mentioned. It is not possible to keep on extending the indulgence also keeping in mind that the Court's interference in the consent terms agreed between the parties would be minimal.

4. Interim application is rejected.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)