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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 395 OF 2021

Rushali Rajesh Sawant

....Petitioner

V/s.

The Special Recovery And Sales

Officer, C.K.P. Co.op. Bank Ltd. and Ors.

...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 1748 OF 2020
IN
WRIT PETITION NO. 395 OF 2021**

Rushali Rajesh Sawant

....Applicant

V/s.

The Special Recovery And Sales

Officer, C.K.P. Co.op. Bank Ltd. and Ors.

...Respondents

**ALONGWITH
INTERIM APPLICATION (L) NO. 36301 OF 2022
IN
WRIT PETITION NO. 395 OF 2021**

Bindu Rajesh Desai and Anr.

....Applicants

In the Matter Between

Rushali Rajesh Sawant

....Petitioner

V/s.

The Special Recovery And Sales

Officer, C.K.P. Co.op. Bank Ltd. and Ors.

...Respondents

Mr. N.N. Gawankar i/b Mr. Manas N. Gawankar for Petitioner.

Mr. P.S. Dani, Senior Advocate a/w Dr. D.S. Hatle and Mr. Deepak Jamsandekar for Respondent Nos. 1 and 10.

Mr. Manish Upadhye, AGP for State/Respondent Nos.3, 8 and 9.

Dr. Veerendra Tulzapurkar, Senior Advocate a/w Mr. Mandar Soman for Respondent Nos. 4 and 5.

Ms. Sunitha Perumal i/b Mr. Sachin V. Masurkar for Respondent Nos. 6 and 7.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 21st APRIL 2023**

P.C. :

1. Pursuant to our order dated 20th April 2023, Respondent No.10 has filed affidavit affirmed on 20th April 2023. Respondent No.10 has stated in paragraph no.8 that the amount was kept in Sundry Creditors Account which does not yield any interest and therefore no amount other than amount of Rs.50,00,000/- as directed by this court on 5th April 2023 is payable.

2. Mr. Gawankar stated that it may be so but petitioner has suffered a loss in this transaction. Certainly petitioner will be entitled to take such steps as advised and if petitioner does so, the concerned forum will decide the matter on merits. We are not making any observations on that.

3. In prayer clause (b-2) petitioner has sought a direction and order to Respondent No.10 to pay the amount of Rs.3,48,000/- to petitioner that petitioner paid as stamp duty on 31st December 2014. Since Respondent No.10 is unable to complete the transaction and the amount of Rs.50,00,000/- of petitioner has been returned, Mr. Upadhye, AGP states petitioner may apply for refund of the stamp duty paid. The concerned authority will consider the application and dispose the same in accordance with law within four weeks of petitioner filing the application for refund.

4. In view of what is recorded above, Mr. Gawankar seeks leave to withdraw the petition.

5. Petition dismissed as withdrawn. No order as to costs.

6. Consequently, Interim Applications, if any, also stand disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)