

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

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INTERIM APPLICATION (L) NO. 25235 OF 2021
IN
WRIT PETITION NO. 1757 OF 2017

Sharad Mohan Rao Keshkamat & Ors. ... Applicants/
Petitioners

versus

Union of India & Ors. ... Respondents

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Mr. V.S.Kapse with Mr. Upendra Mahadik i/b. Fast Track Legal for the Applicants/ Petitioners.

Mr. Sukanta Karmakar, AGP for the State.

Mr. Prafull Chipte i/b. Ms.Medha Rane for Respondent No.3.

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

DATE : 30 JANUARY 2023

P.C. :-

The interim application is taken out for restoration of the writ petition which was dismissed by order dated 20 November 2019 as none had appeared for the Petitioners. The learned Counsel for the Applicants tenders apology for not remaining present and seeks restoration of the writ petition.

2. By this petition filed in the year 2017, the Petitioners had sought various reliefs including a declaration that Securitization and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 will not apply to the Multi-State Co-operative Societies/ Banks, which the Respondent No.3 is. The learned Counsel for Respondent No.3 states that in view of the law declared by the Hon'ble Supreme Court in the case of *Pandurang Ganpati Chaugule versus Vishwasrao Patil Murgud Sahakari Bank Limited*¹ during the pendency of this petition, the challenge raised by the Petitioners does not survive and the Petitioners have a remedy of approaching the Debt Recovery Tribunal.

3. The interim application is allowed by condoning the delay. The writ petition is restored to file.

4. The writ petition is disposed of keeping all contentions of the parties open, if the Petitioners file any proceeding before the DRT.

5. As regards directions issued on 20 November 2019 regarding deposit of the amount in this Court to be paid to the Respondent-Bank is concerned, the learned Counsel for the Applicants states that this aspect will be agitated in the DRT.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

¹ Civil Appeal No. 5674 of 2009 dated 5 May 2020