

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3983 OF 2022

Petitioners

- : 1. Adinath Cold Storage Pvt. Ltd.,
a private limited company duly incorporated
under the provisions of the Companies Act, 1956,
having its Office at Plot No.35-36,
Uppalwadi, Kalmana, Nagpur-440035,
acting through its Ramanarao Musalaih Bolla,
aged about 45 years, Occupation : Business.
2. Balaji Industries,
a partnership firm having its Office at
Plot No.31-A & 31-B, Kapsi Khurd,
Bhandara Road, Nagpur – 440 008
acting through its authorized Partner
Ramanarao Musalaih Bolla, aged about 45 years,
Occupation : Business.
3. Calypso Agro Industries Pvt. Ltd.,
a private limited company duly incorporated
under the provisions of the Companies Act, 1956,
having its Office at Kh. No.21, 28/4, Kalamna,
Behind APMC Market Yard, Nagpur – 440 035,
acting through its Director
Ramanarao Musalaih Bolla, aged about 45 years,
Occupation : Business.
4. Hanuman Dal Industries,
a partnership firm having its Office at Plot No.250,
Bharat Nagar, Kalmana Road, Nagpur – 440 035
acting through its authorized Partner
Ramanarao Musalaih Bolla, aged about 45 years,
Occupation Business.
5. Hanuman Rice Industries,
a partnership firm having its Office at Plot No.250,
Bharat Nagar, Kalmana Road, Nagpur – 440 035

acting through its authorized Partner
Ramanarao Musalaih Bolla, aged about 45 years,
Occupation Business.

6. Laxmi Traders,
a partnership concern having its Office at
Plot No.670, Wathoda, Bhandara Road, Nagpur –
440 008 acting through its Proprietor
Ramanarao Musalaih Bolla, aged about 45 years,
Occupation Business.
7. Tirumala Dal Udyog,
a proprietorship concern having its office at
Plot No.32, Gram Kapsi Khurd, Nagpur – 440 008
acting through its Proprietor
Mrs. Vijayalaxmi w/o Ramanarao Bolla,
aged about 40 years, Occupation Business.
8. Hanuman Dal Industries Pvt. Ltd.,
a private limited company duly incorporated
under the provisions of the Companies Act, 1956
having its office at Plot No.660/2, Wathoda,
Nagpur acting through its Ramanarao Musalaih
Bolla, aged about 45 years, Occupation Business.
9. Ramanarao Musalaih Bolla,
aged about 45 years, Occupation Business,
R/o Plot No.250, Bharat Nagar,
Kalmana Market Road, Nagpur – 440 035.
10. Shri Laxmi Tirupati Amma Murmura Industries,
a proprietorship concern having its office at
Plot No.35 & 36, Kalmana Market Road, Nagpur –
440 008, acting through its Proprietor
Ramanarao Musalaih Bolla, aged about 45 years,
Occupation : Business.

– Versus –

Respondent

: The Chief Manager,
Bank of Baroda, (Previously known as Dena Bank)

ZOSARB Branch, having Office at
Omkar Jyoti Niwas, 2nd Floor, Market Yard Road,
Gultekdi, Pune 411 037.

Mr. Atul Pande, Advocate for the Petitioners.
Mr. S.N. Fuladi, Advocate for the Respondent.
Mr. S.S. Sohoni, Advocate for the Intervenor.

CORAM : **ROHIT B. DEO AND Y.G. KHOBRAGADE, JJ.**
DATE : **23rd FEBRUARY, 2023.**

J U D G M E N T : *(Per Rohit B. Deo, J.)*

Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

02] We noted in the order dated 20/09/2022 the submission of the learned Counsel for the petitioner Mr. Atul Pande that similar issue is pending for adjudication in *Petition(s) for Special Leave to Appeal (c) No.9218 of 2022 – State Bank of India vs. Arvindra Electronics Pvt. Ltd.*

03] It is not in dispute that the said Special Leave Petition, which is assigned Civil Appeal No.6954 of 2022, is decided by the Hon'ble Supreme Court vide judgment dated 04/11/2022. The Hon'ble Supreme Court has held that the High Court is precluded from granting further time to the borrower to make the balance payment under the 'One Time Settlement Scheme' in exercise of powers under Articles 226 of the Constitution of India.

04] The substantive prayers in the petition read thus -

- a) Be pleased to allow the present petition with cost;
- b) By way of appropriate writ, suitable directions be pleased to direct the respondents to extend the time period of the compromise for further period of six months which was sanctioned vide communication dated 29/12/2021 (Annexure-B) upon the same terms and condition or any other such terms and conditions as may be directed by this Hon'ble Court;
- c) By way of appropriate writ, suitable directions be further pleased to quash and set aside the communication dated 01/01/2022 issued by respondent (Annexure-F) whereby the OTS sanction has been revoked even prior to elapse of validity thereof;
- d) By way of appropriate writ, suitable directions be further pleased to quash and set aside the communication dated 01/07/2022 issued by the respondent (Annexure-H) whereby the OTS sanctioned has been revoked.
- e) By way of appropriate writ, suitable directions be further pleased to allow the communication issued by the petitioner on 23/06/2022 and/or 01/07/2022 (Annexure-D & F) and thereby direct the respondent bank to extend the time period of OTS by six months so as to enable the petitioners to honour the terms of sanction letter dated 29/12/2022 issued by the respondent bank.

05] In view of of the decision of the Hon'ble Supreme Court (*supra*), we dismiss the petition, since it is common ground that an identical issue is involved in the present matter. We clarify that the interim order dated

25/08/2022 shall stand vacated forthwith. The Bank of Baroda shall be entitled to proceed with the recovery in accordance with law.

06] Rule is discharged with no order as to costs.

**sandesh*

(Y.G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)