

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

CIVIL APPLICATION (W) NO.2821 OF 2022
IN
WRIT PETITION NO.7400 OF 2022

(M/s Age Old Spirits and another Vs. Reserve Bank of India, Mumbai and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Shyam Dewani, Advocate with Mr. Sahil Dewani, Advocate for Petitioners.
Mr. Anand Deshpande, Advocate for Respondent 1.
Mr. M. Y. Wadodkar, Advocate for Respondent 2.

CORAM: ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.
DATE: 12th JANUARY, 2023.

The limited issued involved in the petition is whether the respondent 2 – Punjab National Bank can insist, in law, on payment of foreclosure charges of 2% on the sanctioned limits of accounts.

2. The amount of foreclosure charges which is involved is Rs.54,00,000/- (Rupees Fifty Four Lakhs).

3. The petitioners have come up with an extremely fair proposal. The petitioners submit that the entire amount which is in dispute that is Rs.54,00,000/- shall be deposited by them in fixed deposit account with the respondent 2 – Bank. The respondent 2 – Bank shall have charge on the said account. The deposit shall be subject to the result of the petition. The petitioners further submit that on such deposit, the security documents be returned to them with 'No

Objection Certificate' (NOC).

4. We do not see any prejudice to the respondent 2 if the course as suggested by the petitioners is adopted. Rather, such arrangement shall also be in the interest of respondent 2 – Bank.

5. We, therefore, allow the civil application and direct that the security documents which the Bank is holding be returned to the petitioners along with NOC on the amount of Rs.54,00,000/- being deposited in fixed deposit account. We further direct that the respondent 2 – Bank shall have absolute lien and charge on the said fixed deposit and shall be entitled to appropriate the same if the result of the challenge ultimately is in favour of the Bank.

6. The petitioners shall deposit the amount within seven days and the respondent 2 – Bank shall discharge its corresponding obligation of returning the documents along with NOC within the next seven days.

7. Civil application is disposed of.

Writ Petition 7400/2022:

Stand over to 23.01.2023.

(Y. G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)