



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 WRIT PETITION NO. 9838 OF 2024

KHALIL SUNNABHAI SHAIKH

VERSUS

YASHWANT NAGARI SAHAKARI PATSANSTHA MARYADIT THR ITS
MANAGER AND OTHERS

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Advocate for the Petitioner :

Mr. N. S. Jaju h/f. Mr. Shaikh Mazhar A. Jahagirdar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 09th SEPTEMBER, 2024

PER COURT:

1. Heard.
2. The petitioner seeks one time settlement in terms of the Government Resolution dated 04.07.2024. The learned counsel for the petitioner submits that the respondent bank has adopted scheme qua the some other judgment debtors and that it has given benefit of one time settlement and that he was willing to pay in terms of the Government scheme and accordingly he had applied in the execution proceedings that he be given benefit of one time settlement in terms of the Government Resolution dated 04.07.2024.
3. Since, the court cannot direct the bank like the respondent institution to accept the one time settlement as it is at the option of the

bank to accept or reject the same. It is clear that the scheme is at the option of the bank. I have doubts, whether the said scheme can be made applicable to the private banks. The bank cannot be forced to apply one time settlement, when it's outstanding dues are covered under security. In view of the same, the writ petition is dismissed.

4. The learned counsel for the petitioner submits that the auction has not been held in accordance with law.

5. Since, the impugned order pertains only to acceptance of one time settlement scheme, this court has not adjudicated the dispute as regards conduct of the auction. The petitioner is at liberty to make such prayer in the appropriate proceedings, if available in law.

[ARUN R. PEDNEKER, J.]

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