

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition NO. 6136 OF 2024

Saher Rafik Tamboli And Ors	...Petitioners
Versus	
Osmanabad Janata Sahakari Bank Ltd And Ors	...Respondents

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Mr. Machhindra A. Patil a/w. Mr. Vijay R. Garad, Advocate for the
Petitioners.

Mr. Pratik Irpatgire, Advocate for the Respondent Nos. 1 & 2.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 22nd JULY, 2024.

PC. :

1. The Petitioners by this Writ Petition seek a direction to be issued to the 1st Respondent-Osmanabad Janata Sahakari Bank Limited to indicate the amount payable as One Time Settlement (for short “OTS”) amount with a view to enable the Petitioners to clear the same. In the reply filed on behalf of the Respondent No.1 the total amount due has been indicated. It has been further stated that the petitioners’ communication dated 12th April 2024 was placed before the Settlement/OTS Committee on 16th April 2024 which

however, did not accept the same.

2. In the light of the decision of the Supreme Court in ***Bijnor Urban Cooperative Bank Limited, Bijnor & Ors V/s. Meenal Agarwal & Ors*** reported in ***(2023) 2 SCC 805***, we do not find that the respondent can be compelled to settle the amount. It would be necessary for the Petitioners to invoke the jurisdiction of the Debts Recovery Tribunal for seeking appropriate relief.
3. Hence, Writ Petition is disposed of. All points raised in the Writ Petition are kept open.
4. Liberty is granted to the Petitioners to approach the Debts Recovery Tribunal.
5. Parties to act on an authenticated copy of this order.

[RAJESH S. PATIL, J]

[A.S. CHANDURKAR, J.]