IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST) NO.32943 OF 2024
IN
WRIT PETITION NO.5497 OF 2018

The Divisional Officer/Zonal
Officer Bank of Maharashtra
Division office and Ors. .. Petitioners

IN THE MATTER BETWEEN :
Ismail Babalal Attar .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION (ST) NO.34512 OF 2024
IN
REVIEW PETITION (ST) NO.32943 OF 2024

The Divisional Officer/Zonal
Officer Bank of Maharashtra
Division office and Ors. .. Applicants

IN THE MATTER BETWEEN:
Ismail Babalal Attar .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Ms. Ayodhya Patki for the Applicant.
Mr. Sachin K. Hande a/w Ms. Poonam Pal for petitioner
Mr. A.I.Patel, Addl. GP a/w Mr. S.L.Babar for the state

CORAM : M. S. Sonak &
Jitendra Jain, JJ.
DATE : 13 December 2024

P.C.:-

1. Despite the opportunity for filing a compliance affidavit, no affidavit is filed. As a result, the petitioner, who is a farmer, has been adjudicating this matter since 2018 is being harassed. The learned counsel for the respondent bank/review petitioner/applicant has now requested time.

2. The learned counsel for the petitioner points out that though gold has been returned, a No-Dues certificate has not been issued. The learned counsel for the applicant states that the bank has no grievance against the petitioner, but the No-Due certificate has not been issued because the bank has not yet received a commitment from the State Government to reimburse Rupees Seventy Thousand for interest.

3. This approach is entirely unreasonable. The bank can sort out its issues with the State Government independently. But if, as stated before us today, they have no grievance, *qua* the petitioner, then the No Due certificate issuance cannot be withheld until such issues are sorted out. At every step, the Bank is forcing the petitioner to come to Court.

4. Now that time is being sought, we grant it until 18 December 2024. However, an affidavit of full compliance must be filed before this Court, including the issuance of a No Due certificate. Again, if it is found that the bank is delaying compliance, we will consider taking strict

action against the bank officials.

5. List this matter on 18 December 2024 for directions/filing of compliance report.

(Jitendra Jain, J.) **(M. S. Sonak, J.)**