

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2223 OF 2024

Sanjay Vishvanath Jagtap & Anr ...Petitioners

Versus

The Greater Bombay Cooperative Bank Ltd & Anr ...Respondents

Mr. Akashay Kapadia, i/b Gurubalu Birajdar, Advocates for the
Petitioners.

Mr. Anshul Anjarlekar, i/b Raval Shah & Co., Advocates for
Respondent No.1.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : FEBRUARY 23, 2024

PC :

1. The above Writ Petition is filed seeking the following reliefs:

“(a) That this Hon'ble court may kindly issue writ of mandamus and/or order and/or directions or any other writ of that nature and thereby direct the Respondent No.1 to accept the outstanding amount of Rs. 15,12,088/- in respect of Flexi Overdraft Loan A/C. No.30207626214 standing in the name of Wales Clothing company i.e. Respondent no.2 and issue the original papers if any in respect of flat no. 104 and further issue no dues certificate accordingly.

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(b) That this Hon'ble court may kindly issue writ of certiorari and/or order and/or directions or any other writ of that nature and thereby quash and set aside the possession notice dated 13.02.2024 issued u/s. 13 (2) (8) of SARFAESI Act in respect of flat no.104, A wing, Kanchan PARIJAT CHS, Kanchan Universe lay out, Near Ashoka Hotel, Mahim Road, Palghar (WEST) - 401404”

2. After filing of the Petition, it is common ground before us that the Petitioners have paid to the 1st Respondent-Bank an amount of Rs.22,64,413/- and the same is duly received by the 1st Respondent-Bank.

3. The learned Advocate appearing on behalf of the 1st Respondent-Bank has stated that in light of this payment, and which was towards the Flexi Overdraft Loan A/c. No.30207626214, no further action under the SARFAESI Act, 2002 shall be taken against the secured asset, namely, Flat No.104, A Wing, Kanchan Parijat CHS, Kanchan Universe lay out, Near Ashoka Hotel, Mahim Road, Palghar (West)– 401404. It is further stated that the original title deeds of the said secured asset shall be handed over to the Petitioners within one week from today. The learned Advocate for the 1st Respondent-Bank, on instructions, further stated that it shall also provide a No Due Certificate in respect of the Flexi Overdraft Loan A/c. No.30207626214 to the

Petitioners within one week from today.

4. In light of the statements made by the learned Advocate appearing on behalf of the 1st Respondent-Bank, and which are accepted as undertakings given to the Court, the issues raised in the above Writ Petition have now been redressed. The Writ Petition is therefore disposed of. However, there shall be no order as to costs.

5. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]