

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2045 OF 2024

RVS Global Solutions Pvt. Ltd.

...Petitioner

Versus

Union of India & Ors

...Respondents

Mr. Subhash Jha, a/w Samir Vaidya, Siddharth Jha, Apeksha Sharma, Sumeet Upadhyay, Deepesh Shahani, i/b Law Global Advocates, for the Petitioner.

Mr. Ashish Kamat, Senior Advocate, a/w Savita Nangare, Vinod Nagula & A.R. Bamne, i/b M/s. A.R. Bamne & Co., Advocates for Respondents.

CORAM : G. S. KULKARNI &

SOMASEKHAR SUNDARESAN, JJ.

DATE : SEPTEMBER 03, 2024

PC :

1. On the backdrop of our order dated 30 August, 2024 today Respondent No.3-Bank of Baroda was to make its stand clear in the light of the observations made by us in such order.

2. On the earlier occasion, at the request of Respondent No.3, we had adjourned the proceedings for today to enable Respondent No.3-Bank of Baroda, being a legal entity as it stands (as the title of Respondent No.3 would depict) to take instructions. By such order, Respondent No.3 was to consider as to whether the dispute in the

present proceeding can be resolved by accepting the Petitioner's request to refund the amount in view of developments which had taken place after conducting of the e-auction of the secured asset in question, in which the Petitioner was the successful bidder. We observed it to be significant that the original allotment of the land by CIDCO made in favour of the Arunachal Pradesh Industrial and Financial Development Corporation Limited, on whose title Respondent No.3 was persuaded to accept the property in question as a collateral security, in granting of a loan to US Roofs Ltd. and US Infra Housing Pvt. Ltd., itself was cancelled. This had rendered the said collateral security to be left without title. The petitioner has contended that such titleless security / property was sought to be sold to the Petitioner in the e-auction. Thus, according to the Petitioner, the e-auction was an attempt of Respondent No.3 to sale the said property without any possibility of the Petitioner receiving a lawful title, and except to invite litigation, which according to the petitioner, could never be the intention of any prospecting buyer participating in a bank's auction.

3. Mr. A.R. Bamne, learned Counsel who appeared for Respondent No.3 on the earlier occasion instructed by M/s. A.R. Bamne & Co. was to take instructions as to what had transpired in the proceedings on the earlier occasion and inform the Court of the decision

of Respondent No.3.

4. Today, Mr. Ashish Kamat, learned Senior Advocate is briefed to appear for Respondent No.3 who at the outset has been instructed to inform the Court that the concerned officer who was giving instructions to the Advocate on record of Respondent No.3 could not take a decision and therefore no decision can be placed before this Court. He submits that therefore appropriate directions be issued. In other words, no instruction are being received by the Advocate despite our clear observations made by the Court which were directed towards Respondent No.3-Bank of Baroda. This is Mr. Kamat's foremost submission. We do not accept Mr. Kamat's submission. We have pointed out to Mr. Kamat, that our order in no manner indicates on any instructions to be taken from a particular Officer, and the order is crystal clear for Respondent No.3-Bank of Baroda as an entity to take a decision and inform the Court. Thus, to read into our order something, which is not provided for, is certainly not fair and acceptable.

5. The background of this litigation is replete from the record. Mr. Jha, learned Counsel for the Petitioner has submitted that the Petitioner has been running from pillar to post in seeking return/refund of the amounts deposited by the Petitioner under the e-auction in

question, which according to him is dead sale in which the Petitioner is entangled due to the conduct of Respondent No.3. He has also drawn our attention to orders passed on this petition by the coordinate Benches of this Court, to contend that as a serious prejudice was being caused to the Petitioner for want of urgent orders, the Petitioner was required to even approach the Supreme Court in the proceedings of Special Leave to appeal (C) No(s). 19309 of 2024 on which the Supreme Court has passed the following order dated 22 August, 2024 ordering the proceedings to be considered by this Court :-

ORDER

1. *Since the High Court of judicature at Bombay has posted the hearing of the petition on 28 August 2024, it will be inappropriate for this Court to entertain the proceedings at this stage.*
2. *However, we leave it open to the petitioner to move the judge assigned with the roster so that the petition is taken up on the date fixed for hearing.*
3. *Subject to the above, the Special Leave Petition is disposed of.*
4. *Pending applications, if any, stand disposed of.*

6. In this view of the matter, in our opinion, the concerned officer of Respondent No.3 ought to have been more serious and sensitive when *prima facie* the facts being quite gross, more particularly Respondent No.3 being a public sector bank.

7. Be that as it may, we accept the request of Mr. Kamat to

adjourn the proceeding as a matter of last chance.

8. We accordingly leave it to the wisdom of Respondent No.3-Bank of Baroda to inform the Court the decision it may take, failing which there would be no alternative but to hear all the parties on the adjourned date of hearing and pass appropriate order on this petition as the law may require.

9. Accordingly stand over to **5 September, 2024** to be listed on the supplementary board.

10. Copy of this order be forwarded to the Chairman of the bank of Baroda and/or officer so that appropriate instructions are issued to the Advocate on record.

[SOMASEKHAR SUNDARESAN, J.]

[G. S. KULKARNI, J.]