



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.616/2024

Krushikranti Agency, through its Proprietor, Shri Nandalal Pannalal
Falodiya Vs. The Chief Officer, the Yavatmal Urban Cooperative Bank Ltd. & others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B.M. Kharkate, Advocate for petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATED : 25/01/2024.

1. The outstanding dues against the petitioner are Rs.4,56,42,427/-.
2. Since the said dues were adjudicated in the Securitization And Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002, some of the property of the petitioner was attached.
3. The contentions are that once the attached property is disposed of, fresh warrant pursuant to sub-rule (5) of Rule 107 of the Maharashtra Cooperative Societies Act, 1960 and Rules, 1961 ought not to have been issued.
4. We hardly see any substance in the submission of the petitioner, particularly when such submissions are not based on any legal basis or recognition.
5. The fact remains that the respondents have every right to proceed against the petitioner for recovery of the amount and in case if the contentions of the petitioner as regards the auction of attached property is concerned, the petitioner must demonstrate that the said property which is already attached to fetch more value than the amount due and recover from the petitioner. We hardly see any material to that effect brought before this Court.

6. That being so, we see no reason to interfere in the impugned order. Petition stands dismissed. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Ambulkar