



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

74 WRIT PETITION NO. 2976 OF 2025

PANDHARINATH NAMDEO DHADGE AND ANOTHER
VERSUS
AUTHORIZED OFFICER MOTILAL OSWAL HOME FINANCE LTD AND
OTHERS

...

Advocate for the Petitioner : Mr. Raut Avinash N.

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.
DATE : 04.03.2025

PER COURT :

Heard the learned advocate for the petitioners.

2. The petitioners have filed this petition essentially against respondent nos. 1 and 2, restraining them from revoking the one time settlement proposal dated 20.01.2025 and restraining them from taking coercive action for liquidation of mortgaged property. Additionally, they are praying for refund of the amount of Rs. 5,00,000/- deposited by them with this Court on 17.02.2025.

3. On our query, as to whether respondent nos. 1 and 2, which is non-banking financial company, is a State or State instrumentality within the meaning of Article 12 of the Constitution of India, the learned advocate for the petitioner has not been able to demonstrate anything to us. In our considered view, respondent nos. 1 and 2 being private non-banking financial institution, would not constitute a State or its instrumentality under Article 12 of the Constitution of India and no writ would lie against it.

4. As regards the prayer for refund of the amount of Rs. 5,00,000/- deposited by the petitioner with the Registry of this Court, merely because

this Court makes the deposits with respondent no. 3 which is a Nationalized Bank, when the petitioner is merely seeking refund, no writ would lie even against respondent no. 3.

5. Over and above, admittedly, in Writ Petition No. 14683/2023 filed by the petitioners, this Court had directed the amount to be refunded to him on his making an application. Instead of filing any such application they filed another Writ Petition bearing No. 1441/2024. By the order dated 30.01.2025, this Court had allowed the Civil Application filed by the petitioner in that writ petition while disposing of the writ petition and further directing the office to refund the amount of Rs. 5,00,000/- to him. Therefore, no fresh petition for the same relief would lie.

6. We dispose of the writ petition by leaving the petitioner to avail of an appropriate remedy against respondent nos. 1 and 2 and directing the Registry to immediately refund the amount of Rs. 5,00,000/- together with interest to the petitioner, as expeditiously as possible, and in any case, on or before 07.03.2025.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-