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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 866 OF 2024

Deepak Vadhani & Anr …Petitioners

Versus

Bank of Baroda & Ors …Respondents

Mr. Vishal Kanade, *with Ms. Slesha Sheth & Mr. Milind Parab, i/b, FZB & Associates, for the Petitioners.*

Ms. Savita Nangare, *with Mr. Vinod Nagula, i/b, Law Focus, for the Respondent-Bank of Baroda.*

CORAM M.S. Sonak &
Advait M. Sethna, JJ.
DATED: 28 November 2025

PC:-

1. Heard learned Counsel for the parties.

2. Petitioners are senior citizens aged 75 and 70 years respectively.

3. They were guarantors to a loan from the Bank of Baroda (R1). They contend that the Petitioners repaid this loan by availing the benefit under the One Time Settlement Scheme (OTS). They submit that there is no dispute about this. Mr Kanade points out that even the Bank's reply does not dispute this position.

4. The Petitioners claim to be the owners of the securities listed in the annexed list at pages 49 to 52. The Petitioners verily believe that they had lodged the aforesaid securities with the Bank of Baroda as collateral securities for repayment of the loan for which they were the guarantors.

5. The Petitioners admit that they are not aware of the precise status of these securities documents. Therefore, they have been requesting the bank, through RTI, to furnish information about the status of such securities. The information application, on a reasonable construction, seeks to know whether the bank holds such securities and, if so, their status.

6. The bank should have adopted a reasonable approach and assisted the senior citizen Petitioners by responding to their reasonable request. Instead, the bank's Public Information Officer (PIO) has denied this information, observing that the Petitioners are "seeking an opinion" and not "information".

7. Now the learned Counsel for the bank points out that if the Petitioners are aggrieved by the PIO's order or reasoning, they are free to prefer a Second Appeal. On this ground, the learned Counsel opposes the entertainment of this Petition by submitting that the Petitioners have an alternate remedy.

8. Mr Kanade, the learned Counsel for the Petitioners, has pointed out that the Petitioners are senior citizens. They are trying their best, at this age, to find out whether the securities, the details of which have been provided to the bank, are indeed with the bank. They are seeking information because there seems to be no dispute that the loan has been repaid and the loan account has been settled. Therefore, the Petitioners are justified in believing that, if securities are indeed held by the bank, they should be graciously returned by the bank, because, prima facie, the bank has no authority to retain them.

9. The Bank answers the definition of State under Article 12 of the Constitution. They were dealing with senior citizens, let alone their customers. Therefore, we thought that the Petitioners' reasonable pleas should have been dealt with reasonably by the Bank. Instead, the Bank resists assistance and urges objections such as an alternate remedy and other such further objections, which do not befit an authority that answers to the definition of State under Article 12 of the Constitution.

10. There is no point in requiring the Petitioners, at this age, to run from pillar to post when the bank can simply check its records to ascertain whether these securities/shares were indeed accepted by the bank as collateral for the loan for which the Petitioners were guarantors. If so, not only should the bank provide this information, but further, consider the Petitioners' final grievance that such securities be returned to them. Instead of adopting such a reasonable approach, the Bank, with its battery of Lawyers and Solicitor Firms to instruct them, wishes to use its might against two senior citizens and defeat their most reasonable requests.

11. Considering the peculiar facts of this case, we direct the 1st Respondent-Bank to file an affidavit with this case, latest by 9 December 2025, without seeking any adjournments. The General Manager of the Bank of Baroda shall be responsible for filing this affidavit. He may instruct the Deputy General Manager to file this affidavit, but the ultimate responsibility for filing it and disclosing its particulars will be the General Manager's. A copy of the affidavit must be furnished to the learned Counsel for the Petitioner on or before 9 December 2025.

12. Learned Counsel for the Respondent, Bank of Baroda, states that this is an old case and that we should grant some more time. As it is, we think the Petitioners' reasonable requests have been denied for too long. The time that we now propose to grant is quite reasonable because, at least in such matters, the bank is expected to act with utmost dispatch, if not compassion and sensitivity.

13. That is why we have made the General Manager responsible for personally attending to this case, so that there is no tendency to simply pass the buck from Manager to Manager. The learned Counsel for the bank is requested to immediately communicate our order to the General Manager and the Deputy General Manager to avoid any delay in compliance.

14. List this matter on 12 December 2025 for further consideration.

(Advait M. Sethna, J) **(M.S. Sonak, J)**