IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7541 OF 2024

1. Ace Agro Biosciences Ltd., Bandra, Mumbai	]	
2. Avinash Chandrashekhar Rangnekar	]	
(Since Deceased) Through LR:	]	
2A. Aniruddha Avinash Rangnekar	]	**.. Petitioners**
Versus		
1. State Bank of India, Bandra, Mumbai	]	
2. Avinash Chandrashekhar Rangnekar	]	
(Since Deceased) Through LRs.:	]	
2A. Arundhati Avinash Rangnekar	]	
2B. Shwetanbari Avinash Rangnekar	]	
3. Arundhati Avinash Ragnekar	]	
4. Shwetambari Avinash Ragnekar	]	
5. Jitendra Panraj Sonigara	]	**.. Respondents**

Mr. Mihir Desai, Senior Advocate, with Mr. Rishabh Shah, Mr. Swaraj Jadhav, Ms. Devyani Kulkarni and Ms. Sanskruti Yagnik, Advocates for the Petitioners-Original Appellants.

Ms. Khushnuma Khan with Mr. Inayat Ali Qureshi, Advocates, i/by K.K. Associates, for Respondent No.1.

Mr. R.D. Soni with Mr. V.R. Kasle, Advocates for Respondent No.5.

CORAM : A.S. CHANDURKAR & M.M. SATHAYE, JJ

DATE : 25TH MARCH 2025.

P.C. :

1. The challenge raised in this writ petition is to the order dated 16th May 2024 passed by the learned Chairperson, Debts Recovery Appellate Tribunal, Mumbai in Interim Application No.290/2024(WoD) in Appeal on Diary No.933/2024 *(Ace Agro Bioscience Ltd. & Anr. Vs. State Bank of*

India & Ors.). By the said order, the petitioners-appellants were directed to deposit an amount of Rs.17,50,00,000/- as pre-deposit, under Section 18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for entertaining the appeal.

2. We have heard Mr. Mihir Desai, learned Senior Advocate for the petitioners and Ms. Khushnuma Khan, learned counsel appearing for the respondent no.1-Bank as well as Mr. R.D. Soni, learned counsel appearing for respondent no.5. Undisputedly, on 29th September 2014, a Recovery Certificate came to be issued against the petitioners in the proceedings initiated by the Bank. Subsequently, the petitioners had made an offer of One Time Settlement to the Bank which however came to be withdrawn by the Bank on 3rd December 2020. The petitioners had approached this Court in Writ Petition No.3972 of 2021 raising a challenge to the said communication dated 3rd October 2020 rejecting the One Time Settlement proposal. By the said judgment dated 6th May 2022, a Co-ordinate Bench of this Court was of the view that the relief sought in the writ petition ought to be first claimed before the Debts Recovery Tribunal. By granting such liberty, the writ petition came to be dismissed. Pursuant to aforesaid liberty being granted, the petitioners approached the Debts Recovery Tribunal by filing Miscellaneous Application No.17 of 2023. By the judgment dated 25th April 2024, the learned Presiding Officer dismissed

the Miscellaneous Application but imposed the costs of Rs.1,00,000/- on the Bank on the ground that despite having knowledge of the Circular dated 29th January 2003 issued by the Reserve Bank of India, such One Time Settlement proposal was given. The petitioners being aggrieved by the said judgment of the Debts Recovery Tribunal, preferred an appeal before the Debts Recovery Appellate Tribunal. It is in the said proceedings that the direction for pre-deposit has been issued.

3. The amount as indicated in the Recovery Certificate issued by the Debts Recovery Tribunal in Original Application No.186 of 2013 on 29th September 2014 was Rs.11,17,96,032.70 together with the interest @12% from the date of filing the application in the Tribunal being 8th April 2013 till realization of the said amount. The learned Chairperson has taken the dues outstanding as on 29th April 2024 to be Rs.35,32,22,198/-. It is on that basis that the petitioners were directed to deposit 50% of the aforesaid amount. We do not find that the Debts Recovery Appellate Tribunal committed any error in directing the petitioners to deposit the aforesaid amount towards pre-deposit. The demand drafts that had been initially offered by the petitioners had not been accepted by the Bank and therefore those amounts were rightly not taken into consideration while considering the application for waiver of pre-deposit. Though reliance is sought to be placed on the judgment of the Division Bench in *Sterlite*

Technologies Ltd. Vs. Union of India and Ors., (2012) 2 Mah.L.J. 112, we do not find that the ratio thereof can be applied to the facts of the present case. In terms of Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the amount of debt having been determined in Original Application No.186 of 2013, the amount of pre-deposit has been rightly determined. In absence of any jurisdictional error, we are not inclined to exercise discretion in favour of the petitioners. The writ petition therefore stands dismissed with no order as to costs.

[M.M. SATHAYE, J.] **[A.S. CHANDURKAR, J.]**