IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.19402 OF 2024

Shriniwas Ramdas Dubas,
Proprietor of Shriniwas Ramdas Dubas and Anr. .. Petitioners
Vs.
Bank of Maharashtra, Solapur and Anr. .. Respondents

ALONG WITH
WRIT PETITION NO.2620 OF 2025

Shriniwas Ramdas Dubas and Ors. .. Petitioners
Vs.
Additional District Magistrate, Solapur and Ors. .. Respondents

Mr. Mandar Soman with Mr. Amarnath Boddul, Advocate for the Petitioners in WP 19402/2024.
Mr. Shrishail Sakhare, Advocate for the Petitioners in WP 2620/2025.
Mr. Neel Helekar, Advocate for Respondent Nos.1 and 2 – Bank in WP 19402/2024.
Mrs. Ashwini A. Purav, Assistant Government Pleader for Respondent Nos.1 and 5 in WP 2620/2025.
Mr. Neel Helekar, Advocate for Respondent Nos.2 to 4 – Bank in WP 2620/2025.

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

DATE : 3RD MARCH 2025.

P.C. :

1. One of the contentions raised by the learned counsel for the petitioners is that the petitioner no.1 having been registered as Micro Enterprise under the provisions of the Micro, Small and Medium Enterprises Development Act, 2006, it was entitled to the benefit of the Notification dated 29th May 2015 issued under the provisions of Section 9

of the said Act. It is urged that since financial assistance was rendered to the petitioner no.1 in its capacity as a Micro Enterprise, it was incumbent upon the Bank to have granted benefit of the Notification dated 29th May 2015. Having failed to do so, a further action initiated was bad in law. Reliance is placed on the decision in *M/s. Pro Knits Vs. The Board of Directors of Canara Bank and Ors., along with connected matters, 2024 INSC 565* in that regard.

2. From reading of a decision in *M/s. Pro Knits (supra)*, it is clear that though it is mandatory or obligatory on the part of the Bank to follow the directions issued by the Central Government as well as the Reserve Bank of India in view of the Circular dated 29th May 2015, as held in paragraphs 17 and 18 that it would be equally incumbent on the part of the concerned Micro Enterprise to be vigilant enough to follow the process laid down in the framework and bring to the notice of the concerned Bank its eligibility to get benefit of the said Notification. The account was classified as Non-Performing Asset on 8th February 2024. A notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was issued on 25th May 2024 wherein no reference was made to the petitioner no.1 being a Micro Enterprise. There is no reply given to the aforesaid notice. Similarly in the Securitization Application preferred by the petitioners under Section 17 of the Act of

2002, there is no reference to the petitioner no.1 being a Micro Enterprise and thus entitled to benefit of the aforesaid Notification.

3. Thus, in view of absence of any factual background being raised either by way of reply to the notice under Section 13(2) of the Act of 2002 or in the Securitization Application, we do not find any justifiable reason to entertain this aspect presently in the writ petition.

4. The learned counsel for the petitioners seeks leave to amend the writ petition for raising challenge to the order dated 20th December 2024 passed by the learned in-charge Presiding Officer, Debts Recovery Tribunal, Pune. Leave is accordingly granted to place on record Interim Application No.326 of 2024 as well as order dated 20th December 2024 passed on it. Consequently, leave is granted to amend the prayer clauses in the writ petition. The amendment be carried out by 5th March 2025.

5. Stand over to 7th March 2025 for further consideration.

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

SNEHA ABHAY DIXIT Digitally signed by SNEHA ABHAY DIXIT Date: 2025.03.04 14:33:16 +0530