

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 19489 OF 2024**

Yogesh Vasant Wani

... Petitioner.

V/s.

The State of Maharashtra and
Others

....Respondents.

Mr. Sandesh Shukla a/w Mr. Vivek Patil, Ms. Sayali Patil, Mr. Afsar Ansari,
Mr. Devesh Sawant i/b Mr. Vivek Patil & Associates, Advocates for the
petitioner.

Mr. P.G. Sawant, Assistant Government Pleader for the respondent-State.

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

DATE : 2ND JANUARY, 2025

PC. :

1] The petitioner has approached this Court pursuant to the notice dated 12/12/2024 issued by the Nayab Tahasildar proposing to take over possession of the secured asset today. The writ petition was moved during vacation on 31/12/2024. However, no orders were passed on that day. It is submitted by the learned counsel for the petitioner that in terms of various Circulars issued by the Department of Co-operation, Marketing and Textiles, the petitioner is entitled to benefit under the One Time Settlement Scheme. Despite pursuing respondent no.4 Co-operative Bank in the matter, the benefit under the Circulars has not been granted.

2] Prima facie, notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was issued on 19/02/2019 followed by an order under Section

14 of the said Act dated 09/02/2024. Taking into consideration the notice issued by the Co-operative Bank on 27/12/2024 indicating the amount of arrears recoverable from the petitioner, without prejudice to the rights and contentions of either parties, subject to deposit of an amount of Rs 60 lakhs by the petitioner with the respondent no.4 – Bank within a period of two weeks from today, no further steps to execute the notice dated 12/12/2024 shall be taken till the end of period of two weeks, in case the said notice has not been executed till 3.00 P.M. today. In case such amount is not deposited, the interim protection shall stand vacated automatically. It is clarified that the writ petition is being entertained only to grant some breathing time to the petitioner to avail the statutory remedy available in law.

3] Stand over to 15/01/2025. The petitioner to serve respondent nos. 3 to 6 by all modes permissible.

4] The learned Assistant Government Pleader waives notice for respondent nos. 1 and 2.

5] Parties to act on the authenticated copy of this order.

[M. M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]