

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2700 OF 2025

Mahalaxmi Steel Centre through the Sole Prop. ...Petitioner
Kisan Sopana Gore
Versus
Official Liquidator, A Seva Vikas Cooperative ...Respondents
Bank Ltd & Ors

Mr Rishikesh R Soni, with VR Kasle, i/b Ram & Co, for the
Petitioner.
Mr Sidheshwar N Biradar, for Respondents Nos. 1 and 2.

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**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 16TH SEPTEMBER 2025.

PC:-

1. Mr Soni, learned counsel appearing for the Petitioner submits that his client has already deposited the sum of Rs. 2,48,94,000/- to the Respondent No. 2-Bank as per the original OTS proposal dated 10th February 2024 and a balance sum of Rs. 1,83,47,350/- only remains due and payable to the Bank by the Petitioner. The grievance of the Petitioner is that, by issuing a subsequent OTS dated 25th September 2024, the Bank has raised a demand of additional amount of Rs. 1,51,17,990/- on the ground that there was some computational error in the earlier demand raised under the original OTS. According to Mr Soni, learned

counsel appearing for the Petitioner, such a stand of the Bank is not only wholly arbitrary but also against the banking norms and, hence, not permissible in the eyes of law. Mr Soni, further submits that the Petitioner had already acted on the basis of original OTS and had deposited 25% of the amount with the Respondent-Bank. As such, the additional claim of the bank would be bared under the principle of waiver, estoppel and acquiescence.

2. Responding to the above, Mr Biradar, learned counsel for the Respondents Nos. 1 and 2 submits that in case computational error is detected, it would always be open for the Bank to raise supplementary demand. The learned counsel has, however, admitted, in his fairness, that as per the original OTS, a sum of Rs. 1,83,47,350/- only is payable by the Petitioner.

3. After hearing the submissions made at the Bar, we are of the view that this matter can be disposed by providing that the Petitioner would pay the balance amount of Rs. 1,83,47,350/-, i.e., the admitted dues, as per the original OTS dated 10th February 2024, to the Bank within 8 (eight) weeks from today pursuant whereeto, the loan account shall be provisionally closed.

4. It will, however, be open for Respondent No.2-Bank to furnish sufficient particulars to the Petitioner substantiating its claim as regards computational error and claim of further amounts due and payable by the Petitioner, if any, within twelve weeks from today.

5. If such demand is raised within twelve weeks' from today, the Petitioner would be at liberty to assail the same before the

appropriate forum by taking all legally permissible plea and without prejudice to its rights and contentions in the present proceedings, as noticed hereinabove.

6. In view of the above observations, the Writ Petition stands closed.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)