

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date: 2025.07.14
17:41:13 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 6067 OF 2025
WITH
INTERIM APPLICATION STAMP NO. 22705 OF 2025**

Plutonium Enterprises ... Petitioner
Versus
The State of Maharashtra and ors. Respondents

Mr.Rajaram V. Bansode a/w Mr.Mohan M. Chavan, for the
Petitioner.
Ms.Reena A. Salunkhe, AGP for Respondents No. 1 to 4.
Mr.Vishal C. Ghosalkar, for Respondents No. 5 to 7.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 11th JULY 2025

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner is one of the bidders in the auction of the property by the bank. Mr.Bansode learned counsel for the petitioner submitted that the respondent-bank was not justified in cancelling the auction. It is submitted that such cancellation of auction is in breach of the provisions of Clause 12 of Rule 107 of the Maharashtra Co-operative Societies Rules, 1961. Mr. Bansode submits that once the property is put to auction, the same should be taken to logical conclusion. It is further submitted that

respondent-bank is hand in glove with borrower.

3. In our opinion, the present petition is misconceived. The property was put to auction as the borrower was not making payment. The auction has been cancelled at the instance of the bank as the borrower was willing to make necessary payment.

4. Learned counsel for respondent-bank states that loan account has been settled and they have no grievance against the borrower. As the auction has not at all proceeded, the petitioner has no right to challenge the action of the bank. It is open for the petitioner to resort to appropriate remedies for damages if he is at all aggrieved by the action of the bank. We therefore do not find any merit in the petition. The petition is dismissed. In view of dismissal of the petition, interim application does not survive and the same also stands disposed of.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)