Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1047 OF 2026

MANGESH SHANKAR BICHOLKAR ... PETITIONER
Versus
GOA STATE S. C. AND O.B.C. FINANCE
AND DEVELOPMENT CORPORATION LTD
THR. MANAGING DIRECTOR AND 2 ORS ... RESPONDENT

Mr. Deepak Gaonkar, Advocate with Ms. Shreya Morje, Advocate for the Petitioner.
Mr. Eeshan Usapkar, Advocate with Mr. Raj Pankar, Advocate for Respondent No.1.

CORAM:- S. G. CHAPALGAONKAR, J.

DATED :- 30th October, 2026

P.C.

1. Present Writ Petition takes exception to Order dated 16.12.2024, passed by Respondent no. 2 in Case no. DRO/N/3/14/2022/GSC-OBC/PNJ. Petitioner also seeks to challenge Notice dated 07.01.2025 bearing No. MAM/BAR/DRO/02/2025/179 issued by Respondent No. 3.

2. Petitioner had availed a loan for purchase of machinery/equipments/goods for business of a Restaurant from Respondent No. 1 in year 2016. The loan amount of Rs.7,60,000/- was disbursed on Agreement of Loan and Hypothecation dated

21.07.2016. It appears that during COVID period, Petitioner committed default in payment of installments. Respondent No. 1 moved an application before Respondent No. 2 for recovery of sum of Rs.8,63,690/- against Petitioner and both sureties i.e. Mr. Janardhan Mahesh Arondekar and Mr. Anand Jaywant Gaonkar. It is contention of Petitioner that impugned Order dated 16.12.2024 is passed without giving notice of hearing to Petitioner.

3. Learned Counsel for Petitioner invites attention of this Court to roznama of proceedings. It appears that on 01.02.2024, the matter was called out. Petitioner was given an opportunity to pay outstanding amount before next date of hearing and matter was adjourned to 09.04.2024. However, matter was not taken up on board, and suddenly it was called on 16.12.2024 when impugned Order was passed directing Petitioner to pay amount of Rs.10,80,307/- and distress warrant was issued.

4. Present Writ Petition was taken up for hearing on 30.01.2025. This Court, while issuing notice to Respondents, recorded a statement on behalf of Pettioner that he would immediately deposit amount of Rs.1,00,000/- and even thereafter he continued to deposit a sum of Rs.15,000/- per month in loan account with Respondent No. 1. The above statement is not disputed on behalf of Respondent no.1.

5. In light of factual backdrop, this Court finds that impugned Order is passed in violation of principles of natural justice. There is nothing on record to show that Petitioner was given notice of hearing date fixed before Respondent no. 2-authority, and suddenly order was passed behind his back.

6. In that view of matter, it would be just and proper, in interest of justice, to relegate the matter back to Respondent No. 2, so as to grant an opportunity of hearing to Petitioner and decide proceedings afresh at the earliest.

7. In result, following Order is passed :

O R D E R

(i) Writ Petition is partly allowed.

(ii) Impugned Order dated 16.12.2024 passed by Respondent No. 2 is quashed and set aside. The matter is relegated back to Respondent no. 2 for fresh consideration after giving an opportunity of hearing to both parties.

(iii) Both parties shall appear before Respondent No. 2 on 19.11.2026 at 3.00 p.m. and shall submit their written arguments, if any.

(iv) Respondent No. 2, after hearing parties, may pass further Order within a period of three months from the date of appearance of parties.

(v) Till Respondent no. 2 decides the proceedings, Petitioner shall continue to deposit the amount of Rs.15,000/- per month in loan account with Respondent No. 1, as he was doing so during pendency of this Writ Petition.

8. Writ Petition is disposed of in aforesaid terms.

S. G. CHAPALGAONKAR, J.

Signed by: ANDREZA PEREIRA
Designation: Senior Private Secretary
to the Hon'ble Judge
Date: 30/10/2026 17:18:25