

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2877 OF 2026**

Nilesh Subhash Bhatiwada

.... Petitioner.

V/s.

The State of Maharashtra and Ors.

....Respondents

None for the petitioner.

Mr. O.A. Chandurkar, Addl. G.P. with Mrs. G.R. Raghuwanshi,
AGP for the respondent no.1-State.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 26TH MARCH 2026

P.C. :

The petitioner who is a borrower of loans from several banks has filed this misconceived petition and seeks following reliefs:

“A. That this Hon'ble Court be pleased to direct Respondent No. 14 to 17 to repay all the loan with pending/bounced EMIs and clear all the dues with the interests arising out of it, that have been pending and sanctioned by respondent nos. 2 to 13 in the name of the petitioner;

B. That this Hon'ble Court be pleased to Issue a writ of mandamus or any appropriate writ, order or direction directing Respondent Nos. 2 to 13 (Banks/NBFCs) not to take any coercive steps (including but not limited to legal notices, recovery proceedings, classification as wilful defaulter, reporting adverse status to credit bureaus, attachment of salary or property, etc.) against the Petitioner, in respect of the loans detailed above, till completion of investigation and filing of final report in FIR No. 512/2025 and further orders of this Hon'ble Court;

C. That this Hon'ble Court be pleased to Direct Respondent Nos. 2 to 13 to tag the concerned loan accounts as "under dispute/subject to fraud investigation" and not as wilful default in their internal systems and with any credit information company (CIBIL, Experian, etc.), and to suitably correct any already reported adverse remarks, pending final outcome of the criminal case;

D. That this Hon'ble Court be pleased to direct Respondent No. 1 to conduct a thorough, time-bound, fair and impartial investigation into the FIR No. 521/2025, including: Tracing the money trail from the Petitioner's accounts to the accounts of Respondent Nos. 14-17; Identifying and recording statements of all similarly cheated victims; Identifying and attaching movable & immovable properties of Respondent Nos. 14-17 acquired out of the proceeds of crime; and Filing a detailed charge-sheet within a fixed time-frame;

E. That this Hon'ble Court be pleased to direct Respondent Nos. 2 to 13 to fully co-operate with the investigation, by furnishing all loan files, KYC documents, logs of DSA involvement, sanction notes, disbursement details, and any communication with Respondent Nos. 14-17, and to specifically disclose commissions paid to Respondent No. 17 as DSA;

F. That this Hon'ble Court be pleased to direct Respondent Nos. 14 to 17 to disclose on affidavit their complete list of movable and immovable properties, bank accounts, investments, and assets and to deposit such sum as this Hon'ble Court may deem fit towards repayment of the outstanding loan amounts, to be appropriated ultimately under orders of the competent court;

G. That this Hon'ble Court be pleased to hold and declare that, on the facts of the present case, the Petitioner is a bona fide victim of a systematic financial fraud and is not a wilful defaulter or intentional non-payer, and that any adverse classification by Respondent Banks/NBFCs is illegal and void;

H. That this Hon'ble Court be pleased to frame appropriate guidelines / directions for banks and NBFCs operating in Maharashtra regarding: Due diligence and monitoring of DSAs in sourcing retail loans; Treatment of borrowers who are demonstrably victims of fraud; and a mechanism to pause recovery and credit reporting where a competent investigating agency has registered FIR indicating misuse of the borrower's account."

2. After hearing the matter for sometime, Mr. V.K. Dubey, the learned counsel for the petitioner sought to keep back the matter in order to take instructions from his client as to whether he

wishes to withdraw the Petition. The matter was thereafter called in the afternoon session at around 3.00 P.M. and thereafter at around 5.00 P.M. when no one appeared for the petitioner.

3. Writ Petition No.2877 of 2026 is dismissed for non-prosecution.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]