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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4486 OF 2013

Bank of Baroda ... Petitioner  
Vs.  
The State of Maharashtra & Ors. ... Respondents

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Mr. Anshula Grover i/b Vidhi Partners, for the Petitioner.

Mr. S. K. Shinde, G. P. for Respondent Nos. 1 & 2.

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CORAM : V. M. KANADE &  
K. R. SHRIRAM, JJ.

DATE : JULY 2, 2013.

P.C.

1. The Petitioner has deposited the amount which has been directed to be paid by the impugned order dated 20<sup>th</sup> February 2013. Learned Government Pleader Mr. S. K. Shinde has raised a preliminary objection regarding maintainability of the petition. He submitted that the Petitioner has an alternative remedy to approach the Cyber Tribunal. Learned counsel for the Petitioner, however, submits that at the moment the Cyber Tribunal is not functioning on account of vacancy which has occurred and which is not yet filled up.

2. In this view of the matter, since the vacancies are not filled and the matters are not heard by the Cyber Tribunal, in our

view, the Petitioner has no alternative efficacious remedy as of today. The Petitioner has challenged the impugned order by which they have been directed to pay the amount of Rs. 1,20,000/- by way of compensation to the complainant. In our view, it would be appropriate if a direction is given to the Petitioner bank to deposit the amount in this Court. Issue notice to the Respondent Nos. 1 to 4 returnable on 30<sup>th</sup> July, 2013. Learned Government Pleader waives service of notice for Respondent Nos. 1 and 2. Hamdast permitted.

3. Impugned order is stayed subject to the Petitioner depositing the amount, as directed by the impugned order. On depositing the said amount, the same be invested in any nationalised bank in fixed deposit, within 4 weeks thereafter.

4. Petitioner to serve copy of the Petitioner on Respondent No. 3 who is present in person in the Court, who waives service of notice. S. O. to 30.7.2013.

Sd/-  
[K. R. SHRIRAM, J.]

Sd/-  
[V. M. KANADE, J.]

Vinayak Halemath