

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7792 OF 2021**

The Yeola Merchants Co-op Bank Ltd.

Thr. District Chief Officer

....Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Uday P. Warunjikar for Petitioner.

Mr. A. I. Patel, Addl. GP a/w Mr. K. S. Thorat, AGP for Respondent No.1.

Mr. S. S. Patwardhan for Respondent No.2.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ**

DATED : 29th MARCH 2023

P.C. :

1 The primary grievance in this petition is that petitioner has placed fixed deposits with respondent no.2 to the extent of approximately Rs.22 crores, which respondent no.2 has not been returning. Mr. Patwardhan for respondent no.2 states that there is a reply filed by respondent no.2 through Milind B Deokute, affirmed on 23rd September 2022 explaining the difficulties and impediments faced by respondent no.2 in honouring its commitment to petitioner. Mr. Patwardhan, at the outset, relied upon a Notification dated 8th July 2020 issued by Government of Maharashtra, copy whereof is annexed to the affidavit in reply and submitted that this Notification relates to waiver of loan to farmers in Nashik, Beed and Osmanabad Districts. Unfortunately, English translation of this document is

not available and the court is unable to appreciate the real intent of the document alongwith contents thereof. Mr. Patwardhan also submitted that respondent no.2 has been repaying various depositors who are similarly placed like petitioner. Mr. Patwardhan does not have the details presently.

2 Dr. Warunjikar for petitioner submitted that respondent no.2 has paid one Saptashruni Patsanstha, Yeola, but petitioner has not been paid. Mr. Patwardhan stated that he shall; (a) file English translation of all the notifications and documents relied upon by respondent no.2 and (b) also file further affidavit on behalf of respondent no.2, annexing thereto a statement as to how much has been paid, to which depositor and when.

3 Mr. Patwardhan stated that respondent no.2 also will endeavour to give an indication as to how much time it would need to pay of atleast this petitioner.

4 Respondent nos.1 and 3 shall also file affidavit in reply and shall also deal with the affidavit in reply filed by respondent no.2. These affidavits to be filed and copy served within two weeks from today.

5 Stand over to 26th April 2023.

6 Petitioner is directed to issue notice to respondent no.3 and also forward a copy of this order.

7 All to act on authenticated copy of this order.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)