

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15969 OF 2025

Rajan Datar and anr. ...Petitioners

Versus

Janalaxmi Co-operative Bank Limited and anr. ...Respondents

Mr. Rafique Dada, Senior Advocate with Mr. Gaurav Mehta, Mr. Mukul Taly, Mr. Ravi Kamble, Ms. Shifa Quraishi i/by M/s S. Mahomedbhai & Co., for the Petitioners.

Mr. Anil Sakhare, Senior Advocate i/by Mr. Rohan Mirpuray, for the Respondent No.1.

Ms. Kavita N. Solunkhe, Addl. GP, for the State.

**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

DATED: 02nd DECEMBER, 2025.

PC:-

1. The notice dated 12th September, 2025 issued by the authorized Officer of the Respondent No.1/Bank before filing claim under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (**the Act**), is under challenge in this Writ Petition *inter-alia* on the ground that after the company in question was liquidated pursuant to the scheme finalized under Section 22 of Sick Industrial Companies (Special Provisions) Act, 1985 (**SICA**), it was not permissible under law for the Respondent No.1/Bank to take recourse under Section 101 of the Act.

2. The above plea of the Petitioners has been stoutly opposed by the learned counsel for the Respondent No.1 by contending that the Writ Petition itself is not maintainable in law as well as in the facts and circumstances of the case.

3. Mr. Anil Sakhare, learned senior counsel appearing for the Respondent No.1, however, seeks two weeks time to file reply seeking pleaded impeachment of the Writ Petition, *inter-alia* on the plea of maintainability.

4. Prayer is allowed.

5. Let the reply of the Respondent No.1 be brought on record on or before 15th December, 2025.

6. The Petitioners would be at liberty to file rejoinder on or before 23rd December, 2025, by serving advance copy on the other side.

7. Office to list the matter again on 7th January, 2026, high on board.

8. In view of the submission made by the learned senior counsel for the Respondent No.1 that till the next date, his client would not pursue the notice dated 12th September, 2025 in any form, we do not deem it necessary to pass any ad-interim order at this stage.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)