

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16959 OF 2025

Amini Noor Mohammed Shaikh ...Petitioner
Versus
The Muslim Co-op. Bank Ltd., Pune through its CEO and anr. ...Respondents

Mr. S. M. Gorwadkar, Senior Advocate i/by Niranjan Mogre, for the
Petitioner.
Mrs. Sanjana Ghogare, for the Respondent No. 1-Bank.
Dr. Dhruvi Kapadia, AGP for the Respondent No. 2-State

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

DATED: 16th DECEMBER, 2025.

PC:-

1. Heard Mr. Gorwadkar, the learned Senior counsel appearing for the Petitioner, Mrs. Ghogare, the learned counsel for Respondent No. 1-Bank and Dr. Kapadia, the learned AGP for Respondent-State.

2. The Petitioner herein had availed loan for an amount of Rs. 2,75,00,000/- from the Respondent No. 1-Bank, which is an Urban Co-operative Bank. However, being a defaulter in repayment of the loan, the account was declared as NPA. Thereafter, proceedings under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

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was started. At that stage, the OTS proposal was accepted by the Bank pursuant where to the Petitioner had made further deposits. However, the Petitioner had admittedly failed to adhere to the repayment schedule under the OTS, as a result of which, fresh proceedings for attachment and auction sale of the properties of the Petitioner has been initiated. Aggrieved thereby, the present petition has been filed.

3. Mr. Gorwadkar, the learned Senior Counsel appearing for the Petitioner submits that his client has already paid more than 55 % to 60% of the amount due and he is ready and willing to pay the balance amount. Even as per GR dated 04.07.2024, the time permitted to make full repayment, alongwith penal rate of interest, has not yet expired. Under such circumstances, it is highly unfair for the Respondent No. 1 to proceed against the properties of the Petitioner's particularly, when the Petitioner is willing to repay the entire amount.

4. Mr. Gorwadkar, the learned Senior counsel has submitted that his client will make deposit of a reasonable amount within Monday to show his bonafide.

5. The prayer made in the Writ Petition has been opposed by Mrs. Ghogare, the learned counsel appearing for Respondent No. 1. She, however, seeks some time to file reply.

6. After hearing the submissions made at bar and after going through materials on record, particularly GR dated 04/07/2024, we are inclined to examine the matter further.

7. Issue notice to the Respondents returnable on 06.02.2025.
8. Ms. Sanjana Ghogare, the learned counsel waives notice for Respondent No. 1.
9. Dr. Kapadia, the learned AGP waives notice for Respondent No. 2-State
10. The Respondents may file reply before 06.02.2025 by serving advance copy on the Petitioner's counsel.
11. Having regards to the overall facts and circumstances, ad-interim order in terms of prayer clause (f) is granted, subject to the condition that by 22.12.2025, the Petitioner will deposit a sum of Rs. 67,00,000/- with the Respondent No. 1. The amount so deposited and accepted by the Respondent No. 1-Bank shall be without prejudice to their respective rights and contentions in the present Petition. The Petitioner would also be at liberty to make further deposits during pendency of the Writ Petition, if so advised.
12. List this matter again on **06th February 2025**.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)