

KANCHAN
PRASHANT
DHURI
Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2025.07.16
15:42:16
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 11662 OF 2024

IN

COMMERCIAL EXECUTION APPLICATION (L) NO. 11070 OF 2024

NKGSB Co Operative Bank Limited

... Applicant

Versus

Girija Ramesh Pillay and another

... Respondents

WITH

INTERIM APPLICATION (L) NO. 11730 OF 2024

IN

COMMERCIAL EXECUTION APPLICATION (L) NO. 11075 OF 2024

NKGSB Co-operative Bank Limited

... Applicant

Versus

Ramesh Raghavan Pillay and another

... Respondents

.....

Mr. Arsh Misra alongwith Ms. Khushboo Agarwal, Advocate for the Applicant.

Mr. O.A. Das, Advocate for the Respondents No.1 and 2.

Mr. Fraser Alexander instructed by Ms. Dhanashri Wakchaure, Advocate for Respondent No.3.

.....

CORAM : ABHAY AHUJA, J.

DATE : 15 JULY 2025

PC. :

1. Pursuant to the order dated 10th July 2024, today when the

matters are called out, Mr. Das, learned Counsel, appearing for the Respondents No.1 and 2 and Mr. Alexander, learned Counsel, appearing for the Respondent No.3, submit that despite decision of the Hon'ble Supreme Court in the case of ***Central Bank of India vs. Ravindra and others***¹ that penal interest can be charged only once for the period of default and cannot be capitalised, the Execution Applicant-Bank has just done that in breach of the law settled by the Hon'ble Supreme Court.

2. Learned Counsel draw attention of this Court to page 110 which is a statement of the Applicant-Bank and submit that the penal interest has been charged and also capitalized and again on the same penal interest has been charged and this process has been continuously going on.

3. Learned Counsel also submit that although it has been claimed that interest of 9.5% has been charged however apart from the fact that penal interest has been illegally capitalized by the Applicant-bank, interest has statedly been charged at the rate of 12%.

4. Learned Counsel draw this Court's attention to page 113 which is a statement for loan account of the Applicant Bank with respect to the Respondents in question.

1 (2002) 1 Supreme Court Cases 367

5. Mr. Misra, learned Counsel, appears for the Applicant-Bank and seeks some time to clarify the same with an assurance that if what is being submitted today is true, they would rework the entire calculation.

6. It is observed that the Commercial Execution Applications as well as the Interim Applications are still on lodging numbers. Let office objections be removed and registered numbers be obtained within a period of two weeks, failing which the Execution Applications as well as Interim Applications to stand dismissed without further reference to this Court.

7. Subject to the above, list the matters on **19th August 2025**.

8. Also subject to the above, till the next date, the restraint against the Respondents granted vide order dated 10th July 2024 to continue.

(ABHAY AHUJA, J.)