

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-33-2020

M/s. Quadros Moto Corp Co. Ltd. **Petitioner**

Versus

The Authorised Officer for the Goa Urban Co-operative Bank Ltd., Panaji **Respondent.**

Mr. Nigel Da Costa Frias alongwith Mr. D. Pacheco, Advocates for the Petitioner.

**Coram : M. S. SONAK,
SMT. M. S. JAWALKAR, JJ.**

Date : 5th June, 2020.

P. C.:

Heard Mr. Nigel Da Costa Frias, the learned Counsel for the Petitioner.

2. Already, by Order dated 24.02.2020 made in Writ Petition No. 167/2020 instituted by this very Petitioner, we had declined to exercise jurisdiction since the Petitioner, had alternate efficacious remedy before the Debt Recovery Tribunal (DRT).

3. Mr. Costa Frias now submits that on account of *Covid-*

19 situation, the Petitioner, has not been able to avail of the remedy. He refers to Orders dated 26.03.2020 and 15.04.2020 made by this Court in Writ Petition Urgent 2 of 2020 where, this Court, on its own motion, has urged the Government, municipal authorities and other agencies or instrumentalities to be slow in taking any coercive steps so as to drive the citizens to the Court of law in the meantime. He submits that such directions shall apply also to Co-operative Banks seeking recovery of loan amounts.

4. According to us, the Petitioner had sufficient time to approach the DRT since we made the Order dated 24.02.2020. That apart, we were willing to extend some protection to the Petitioner, provided, the Petitioner was agreeable to make some reasonable deposit now that the claim of the Bank is in the range of ₹2 crores or thereabouts. Mr. Costa Frias on the basis of instructions submits that the Petitioner will arrange to deposit an amount of ₹5 lakh by 15.06.2020. According to us, as against the claim of over ₹2 crores, the offer to deposit only an amount of ₹5 lakh, cannot be accepted. This Court, ultimately, has to balance the interest of not only the Petitioner, but also the Co-operative Bank which is taking steps to recover its dues.

5. The Court suggested that the Petitioner deposit atleast an amount of ₹ 25 lakh by 15.06.2020. However, the Authorised

representative of the Petitioner states that it will not be in a position to deposit this amount by 15.06.2020.

6. As noted by us, in para 3 of our Order dated 24.02.2020, the DRT is the appropriate authority to deal with such matters and ordinarily it is not for this Court to entertain such petitions. Despite grant of opportunity to the Petitioner, the Petitioner has failed to avail the same and is now attempting to raise contentions on the basis of *Covid-19* situation, which has, subsequently arisen.

7. Accordingly, we decline to entertain this Petition. This Petition is dismissed with liberty to the Petitioner to once again avail of the alternate remedy before the DRT. It is made clear that all contentions of the parties are expressly left open.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

msr.