

**IN THE HIGH COURT OF BOMBAY AT GOA**

**LD-VC-CW NO. 32 OF 2020**

Shri Ramchandra Shirodkar

..... Petitioner

*V e r s u s*

The Authorised Representative

Citizen Credit Co-operative Bank Ltd. & Ors.

..... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.

Mr. Raunaq Rao, Advocate for the Respondent no.1.

**Coram :- DAMA SESHADRI NAIDU &  
M. S. JAWALKAR, JJ.**

**Date : 23<sup>rd</sup> June, 2020**

**P.C.**

The Petitioner availed himself of two loans from the Respondent-Bank:

(i) a Housing loan (ii) a vehicle loan.

2. As far as the housing loan is concerned, he has been paying the installments regularly. But, after taking the vehicle loan in May 2018, in course of time, he defaulted. Invoking a circular issued by the Reserve Bank of India (RBI), the respondent-bank treated even the housing loan as a non-performing asset for the petitioner's default in the vehicle loan. Assailing the bank's action, besides challenging the validity of the RBI

circular, the petitioner has filed this Writ Petition.

3. On the last occasion, the learned Standing Counsel for the respondent-bank has fairly submitted before this Court that the bank had no intention to deprive the petitioner of his property—either the vehicle or the house—provided he would pay the arrears within a specified time. We recorded that submission and allowed the petitioner's Counsel to seek instructions.

4. Now the petitioner's Counsel informs us that the petitioner has already paid certain amounts and the balance now stands at about ₹ 3,00,000/-. According to him, the petitioner has been in dire financial constraints and he needs more time to pay that amount.

5. In response, the respondent-bank's Counsel informs us, to our astonishment, that the petitioner had already sold the vehicle on 7<sup>th</sup> May, 2019. In this connection, he has brought to our notice the two letters of No Objection, dated 7<sup>th</sup> May 2019 and 28<sup>th</sup> January, 2020, issued by the petitioner. As seen from the record, the vehicle is a high-end one, and it has already changed hands twice, as it is evident from the petitioner's No Objection. The petitioner seemed to have received about ₹ 16,00,000/- as sale consideration for the vehicle.

6. First, the petitioner has not sought any leave from the bank before effecting the sale. The petitioner's Counsel has feebly contended that before his selling, the petitioner has orally informed the bank. We discount that submission as untenable. Second, the petitioner has sold the vehicle realising the sale proceeds but has not remitted the bank its dues. And, third and most important, is that the petitioner has not pleaded this aspect before this Court in the Writ Petition.

7. Needless to observe that the Writ Petition under Article 226 of the Constitution of India is an equitable remedy and entirely discretionary. If any party comes to the Court with unclean hands, the Court is not obliged to entertain the matter however meritorious it is. Here, the petition as brought before this Court has no merit, yet we thought we could consider his plight sympathetically. But the petitioner has, unfortunately, belied, however good intentions and suppressed a very material fault

8. So, this is a Writ Petition that deserves to be dismissed with exemplary costs.

9. We, therefore, dismiss this Writ Petition with costs of ₹50,000/- to be paid to be Goa State Legal Services Authority under Goa State Legal Aid Fund.

**M. S. JAWALKAR**  
arp/\*

**DAMA SESHADRI NAIDU, J.**