

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4567 OF 2014

Sopan Dashrath Jawale,
Age: 52 Yeas, Occu-Agril.,
R/o Chanda Tq. Newasa,
Dist. Ahmednagar

...PETITIONER

versus

1. The State of Maharashtra,
Through the Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai.
2. The Assistant Registrar,
C o-operative Societies,
Taluka Newasa, Dist. Ahmednagar
3. The Liquidator,
Vardan Nagri sahakari Pat Sanstha Ltd.,
Chanda Ta. Newasa Dist. Ahmednagar.

...RESPONDENTS

.....

Mr. Laxman H. Kawale Advocate holding for
Mr. K.J. Suryawanshi, Advocate for Petitioner
Mr. S.P. Daund, A.G.P. For respondents No. 1 and 2
Mr. R.S. Kasar, Advocate for respondent No. 3

.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 29th JULY, 2015

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for parties finally with consent.
2. Learned counsel for respondent No. 3 fairly concedes to the position that in similar set of circumstances earlier this court had set aside orders impugned in writ petition No. 7774 of 2013 and companion matters and directed the liquidator to pass appropriate

order after hearing the petitioners therein. This court while passing order in said writ petitions had considered that even while giving opportunity to petitioners their *bona fides* need to be tested.

3. Learned counsel for petitioner contends that more or less similar amounts were demanded by the petitioners therein as in the present case and, as such, requests that the deposit of amount as condition precedent shall not be more than Rs. 25,000/-.

4. Perusal of order passed dated 10-02-2014 in writ petition No. 7774 of 2013 and companion matters shows that the court had considered very small amounts were availed by the petitioners and that the petitioners' *bona fides* ought to be tested while letting them an opportunity. It is not in dispute that order impugned in present case as well as in cited writ petitions had been passed without hearing the petitioners, the court under the circumstances had passed the order. Paragraph No. 7 of order reads as under:

“7. The impugned certificates issued U/Sec. 105 of the Maharashtra Cooperative Societies Act in each of these petitions are quashed and set aside on condition that the petitioners pay amount as follows with the respondent No. 3.

- 1. Writ Petition No. 7774/2013 Rs. 30,000/-*
- 2. Writ Petition No. 7775/2013 Rs. 60,000/-*
- 3. Writ Petition No. 7776/2013 Rs. 50,000/-*
- 4. Writ Petition No. 7777/2013 Rs. 60,000/-*
- 5. Writ Petition No. 7778/2013 Rs. 50,000/-*

6. *Writ Petition No. 7779/2013 Rs. 50,000/-*
7. *Writ Petition No. 7780/2013 Rs. 60,000/-*
8. *Writ Petition No. 7781/2013 Rs. 60,000/-*
9. *Writ Petition No. 7782/2013 Rs. 20,000/-*
10. *Writ Petition No. 7783/2013 Rs. 50,000/-*
11. *Writ Petition No. 7784/2013 Rs. 60,000/-*
12. *Writ Petition No. 7785/2013 Rs. 50,000/-*
13. *Writ Petition No. 7786/2013 Rs. 25,000/-*
14. *Writ Petition No. 7787/2013 Rs. 20,000/-*
15. *Writ Petition No. 7788/2013 Rs. 60,000/- ”*

5. Having regard to aforesaid order, I deem it appropriate, that petitioner shall deposit an amount of Rs. 25,000/- with respondent No. 3 within a period of four weeks from the date of receipt of writ of this order. The impugned certificate issued under section 105 of the Maharashtra Co-operative Societies Act stands set aside, subject to fulfillment of aforesaid condition of deposit which is a condition precedent. The petitioner shall appear before respondent No. 3 on 08-09-2015. The parties would be able to file his say and the liquidator shall after hearing the petitioner decide proceeding afresh.

6. Writ petition stands allowed in aforesaid terms. Rule is made absolute accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)