

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3826 OF 2007
WITH
CIVIL APPLICATION NO.8089 OF 2008
CIVIL APPLICATION NO.4372 OF 2014.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.G.N.Chincholkar, advocate for the Petitioner.
Mrs.M.S.Patni, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
A.I.S.CHEEMA, JJ.**
Date : 18.03.2015.

PER COURT :

1. Heard.
2. Mr.Chincholkar, learned counsel for the petitioner states that the petitioner had approached the District Consumer Forum. The complaint was allowed, wherein the opponent therein i.e. the Sugar factory was directed to pay an amount of Rs.1,06,414-20 (Rupees one lac six thousand four hundred fourteen and paise twenty) with cost of Rs.1,000/- (Rupees one thousand) and interest at the rate of Rs.12% p.a. to the petitioner. The said order was passed on 29.8.1998. The petitioner even filed execution proceedings before the Karkhana went into liquidation. After the Karkhana went into liquidation, the petitioner approached the

liquidator also, however, no steps are taken. On the contrary, the liquidator states that the amount is being distributed as per the order of the High Court dated 4.5.2006. The petitioner stands at serial No.5 of priority creditors as per Rule 18A of the Maharashtra Cooperative Societies Rules. The Respondents be directed to pay the petty claim of the petitioner along with interest till date.

3. Learned Asstt. Govt. Pleader states that the Collector is the liquidator. It is not possible for the liquidator to make the payment unless the Maharashtra State Cooperative Bank releases the amount. The same is as per the order of the High Court in W.P.No.5689/2004.

4. We have considered the submissions. Once the Karkhana has gone into liquidation, it is for the liquidator to make the payment of the creditors as per the priority claims laid down under the relevant statute and Rules. The liquidator also would be governed by the orders of this Court, however, steps will have to be taken by the liquidator to take the proceedings towards its logical end. There may be many creditors like the petitioner, waiting for the settlement of their claims. The liquidator/Collector is expected to take up the proceedings regarding settlement of claims.

5. The liquidator shall take further steps with regard to the settlement of the claim of creditors i.e. the petitioner as per the

provisions of the Statute and the Rules. The petitioner may file representation with the Respondent No.3. The Respondent No.3 shall attend to that representation and decide the claim of the petitioner also on merits expeditiously.

6. In view of disposal of Writ Petition, the Civil Applications also stand disposed of.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt..18.03.2015.
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