

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7884 OF 2014

WITH

WRIT PETITION NO.7885 OF 2014

WITH

WRIT PETITION NO.7886 OF 2014

WITH

WRIT PETITION NO.7887 OF 2014

Special Recovery Officer,

Shri. Datta Nagari Sahakari Patsanstha

Maryadeet (Chinchwad) and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. P. D. Dalvi, for the Petitioners in all Petitions.

**Mr. A. S. Khandeparkar i/by Mr. D. H. Pawar, for the Respondent
Nos.4 to 7.**

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1, 2 & 3.

**Mr. Ramesh D. Tanwani, Respondent No.5 & Partners of Respondent
No.4 in present.**

CORAM : R.M. SAVANT, J.

DATE : 26th JUNE, 2015

PC.

1. The above Writ Petition No.7884 of 2014 was heard on 24.06.2015, when the Learned Counsel informed the Court that the other three Writ Petitions raising the same challenge are also required to be

listed. This is how all four Writ Petitions are listed today.

2. The above Writ Petitions to be de-tagged from Writ Petition No.2406 of 2013, Writ Petition No.2407 of 2013, Writ Petition No.2436 of 2013 and Writ Petition No.2442 of 2013.

3. The Writ Jurisdiction of this Court is invoked against the orders all dated 24.03.2014 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, by which orders the Revision Applications filed by the Respondent Nos.4 to 7 herein came to be allowed and resultantly, the demand notices dated 02.06.2011 issued by the Petitioner No.1 i.e. Special Recovery Officer came to be set aside. In the instant Petitions an issue is raised as regards the maintainability of the Revision Applications against the demand notices. It is the contention of the Learned Counsel appearing for the Petitioners Mr. P. D. Dalvi that the remedy by way of Revision under Section 154 of the Maharashtra Co-operative Societies Act is not available for questioning a demand notice which has been issued pursuant to a certificate issued under Section 101 of the Maharashtra Co-operative Societies Act. In so far as the said issue is concerned, the matter was argued at some length by the Learned Counsel. However, the Learned Counsel appearing on behalf of the Respondent Nos.4 to 7 i.e. the Revision Applicants on instructions of Mr. Ramesh D.

Tanwani who is the Partner of the Respondent No.4 and who is personally present in Court makes a statement that the four Revision Applications filed by the Respondent Nos.4 to 7 would be withdrawn and the Revision Applicants would reply to the said demand notices dated 02.06.2011. In view of the said statement made by the Learned Counsel appearing for the Respondent Nos.4 to 7, it is not necessary to go into the merits of the case, to set aside the orders passed by the Divisional Joint Registrar in all the Revision Applications, the impugned orders would accordingly stand set aside. The dispute between the parties it seems is as regards the amount mentioned in each of the demand notices. The Learned Counsel for the Respondent Nos.4 to 7 Mr. A. S. Khandeparkar states that the Petitioners would represent against the said demand notices within three weeks from date to the Special Recovery Officer. If any such representation is made within three weeks, the Special Recovery Officer may consider the same, if the same is in respect of the amount which is mentioned in the said demand notices and communicate his decision to the Respondent Nos.4 to 7 within two weeks from the receipt of the representation from the Respondent Nos.4 to 7. It is expected that the Petitioners would proceed with the recovery of the dues covered by the certificates under Section 101 in accordance with law. The instant order would not preclude the Respondent Nos.4 to 7 from challenging the attachment or sale of the

property in question, if any such avenue is open to them under the Act or the Rules. With the aforesaid directions the Writ Petitions are disposed of.

[R.M. SAVANT, J]