

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

WRIT PETITION NO.833 OF 2015

M/s. Shriram Engineering Company and another .. Petitioners

Versus

Nashik Zilla Grina Shakari Bank Ltd.

Nashik and others

.. Respondents

Mr. R. A. Thorat i/by Mr. K. S. Patil, for the Petitioners.

Mr. Tejas Dande i/by Tejas Dande & Associates, for the Respondent No.1.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.4 to 6.

CORAM : R.M. SAVANT, J.

DATE : 16th JULY, 2015

P.C.

1. The Writ Jurisdiction of this Court is invoked against the order dated 24.12.2014 passed by the Respondent No.4 herein i.e. Deputy Registrar, Co-operative Societies in Case No.533 of 2014, as also against the Notice of Attachment dated 19.01.2015 issued by the Special Recovery Officer. The above Petition had come up for admission before a Learned Single Judge of this Court on 23.01.2015 when a statement was made on behalf of the Petitioners that an amount of Rs.1,00,00,000/- would be deposited in this Court within a period of four weeks. This Court on the said basis had restrained the Respondent No.1 Bank from proceedings

with the auction. In spite of the said statement made before this Court not a farthing has been deposited till date and today a statement is sought to be made that Petitioners would deposit an amount of Rs.40,00,000/- in this Court and the rest of the amount within the time that would be stipulated by this Court. It is required to be noted that the order recording the statement made on behalf of the Petitioners is dated 23.01.2015 and as indicated above not a farthing has been deposited till date. The recovery certificate issued under Section 101 involves an amount of Rs.3,43,67,066/-. The order dated 24.12.2014 is an order passed under Section 101 of the Co-operative Societies Act issuing the recovery certificate. Against the said order the Petitioner has remedy by way of a Revision as also a remedy against the Notice of Attachment. However, the Petitioners have chosen to file the above Petition and have made the statement which has been referred to herein above. In my view, the above Petition can be said to be an abuse of the process of this Court, moreso considering the fact that the amount of Rs.1,00,00,000/- has not been deposited inspite of the statement having been made. The above Petition is accordingly required to be dismissed. The Petitioners to pay costs of Rs.25,000/- to the Respondent No.1 Bank within four weeks from date. If the costs are not paid over to the Respondent No.1 Bank in terms of this order, then the same would be recovered by having recourse to the

Maharashtra Land Revenue Code. It is however clarified that the dismissal of the above Petition would not come in the way of the Petitioners from adopting such remedies which are available and permissible in law. In view of the dismissal of the above Petition, the Civil Application does not survive and to accordingly stand disposed of as such.

[R.M. SAVANT, J]