

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

WRIT PETITION NO. 1942 OF 2013

The Bassein Catholic	}	
Co-operative Bank Limited	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Bhupesh V. Samant for the Petitioner.

Mr. A. I. Patel - AGP for Respondent Nos. 1
to 3 and 5.

Mr. Anilkumar Joshi for Respondent No.
6.

Mr. Harshad A. Sathe i/b. Mr. Suhas
Deokar for Respondent No. 7.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- DECEMBER 5, 2015

P.C. :-

After hearing both sides and finding that there is a serious doubt whether the Petitioner bank's application for issuance of certificate under section 101 of the Maharashtra Co-operative Societies Act, 1960 was at all heard and decided by a competent authority that by consent of all parties, we quash and set aside the recovery certificate issued by Respondent No. 4.

2) The application of the bank for issuance of such certificate shall be decided afresh by the Deputy Registrar, Co-operative Societies, Vasai Taluka, Vasai on merits and in accordance with law. He shall hear the Petitioner as also the borrowers and pass a reasoned order uninfluenced by any conclusions or findings in the alleged order passed on 31st March, 2012. All contentions of both sides are kept open.

3) The Writ Petition is disposed of accordingly and in the above terms.

4) We hope that the Registrar, Co-operative Societies, Maharashtra State hereafter take note of grievances of banks like the Petitioner that some officers in employment of the Co-operative banks are designated and nominated as recovery officers and authorities empowered to issue such certificate by the Association of the Co-operative banks, but these are not discharging their functions and duties in accordance with law. Hereafter, it should be clarified to all such banks and their representatives that only the authorities designated and recognised by the Maharashtra Co-operative Societies Act, 1960 will issue such certificates and after complying with the provisions of law.

5) The Deputy Registrar, Vasai shall decide the matter within three months from the date of receipt of a copy of this order. The parties shall appear before him on 14th December, 2015.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)