

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11221 OF 2014

M/s. Keshav Electricals & Ors. .. Petitioners
VS.
The State of Maharashtra & Ors. .. Respondents

Mr. P.D. Paranjape for the Petitioners.
Mr. S.D. Rayrikar, AGP for Respondent Nos.1 to 3.
Mr. Avinash Avhad i/b Mr. Nitin Bhavar for Respondent Nos.4 & 5.

CORAM : M. S. SONAK, J.
DATE : 6 JANUARY, 2015

P.C. :-

- 1] At the request of and with the consent of learned counsel appearing for the parties, this petition is taken up for final disposal.
- 2] The challenge in this petition is to the order of the Additional Registrar Cooperative Societies, Maharashtra State, Pune and the consequent auction notice issued by respondent No.5 seeking to auction the properties referred to in prayer clause (b) to the petition.
- 3] The main grievance of the petitioners is that before the Additional Registrar Cooperative Societies, by order dated 11 November 2014 fixing upset price in respect of the properties to be auctioned, the petitioners were not afforded hearing and opportunity to put forth their case.

4] In the meanwhile, it is reported that the auction sale which was scheduled to be held on 16 December 2014 has since cancelled. Learned counsel for respondent Nos.4 and 5 submits that the petitioners were afforded an opportunity prior to fixing of the upset price. However, the petitioners failed to avail such opportunity as the petitioners are obviously interested in delaying the sale of the properties.

5] Without going into the rival contentions, the interests of justice will be satisfied, if the petitioners are afforded an opportunity to put forth their say in the matter of fixation of upset price. In order to allay the apprehensions expressed by learned counsel for respondent Nos.4 and 5, it is only proper that the petitioners and the representatives of respondent Nos.4 and 5 appear before the Additional Registrar, Cooperative Societies (respondent No.2) on 19 January 2015 alongwith an authenticated copy of this order. The petitioners and representatives of respondent Nos.4 and 5 may produce on the said date whatever material they have with regard to the fixation of upset price. Respondent No.2 may thereafter fix some suitable date within a fortnight in order to afford a hearing to the petitioners and the representatives of respondent Nos.4 and 5. Based upon the material produced by the parties and the hearing

thereafter, the Additional Registrar, Cooperative Societies (respondent No.2) may vary the order dated 11 November 2014 by which the upset price has been fixed or make a fresh order determining the upset price. This entire exercise shall be completed by respondent No.2 latest by 15 February 2015, so that there is no unnecessary delay in the matter of auction of the attached property.

6] The petitioners as well as representatives of respondent Nos.4 and 5 shall cooperate with respondent No.2 in the matter of expeditious determination of the upset price.

7] With the aforesaid observations and directions, this petition is disposed of. There shall however be no order as to costs.

8] Parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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