

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

WRIT PETITION (STAMP) NO.13947 OF 2015

Mr. Sunil Kumar Jayantilal Shah

.. Petitioner

Versus

Divisional Assistant Registrar,

Co-op. Housing Society, Kokan Division,

Kokan Bhavan, New Mumbai and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.13948 OF 2015

Mr. Jay Kumar N. Shah

.. Petitioner

Versus

Divisional Assistant Registrar,

Co-op. Housing Society, Kokan Division,

Kokan Bhavan, New Mumbai and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.13949 OF 2015

Miss. Dipika Jay Kumar Shah

.. Petitioner

Versus

Divisional Assistant Registrar,

Co-op. Housing Society, Kokan Division,

Kokan Bhavan, New Mumbai and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.14124 OF 2015

Mr. Manish P. Shah

.. Petitioner

Versus

Divisional Assistant Registrar,

Co-op. Housing Society, Kokan Division,

Kokan Bhavan, New Mumbai and others

.. Respondents

Mr. Manish Jain i/by S. M. Jain & Associates, for the Petitioner in all Writ Petitions.

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

CORAM : R.M. SAVANT, J.

DATE : 17th JUNE, 2015

PC.

1. Heard Mr. Manish Jain, the Learned Counsel appearing for the Petitioner.

2. Issue notice to the Respondents, returnable on 01.07.2015. In addition to service of notice through Court, the advocate for the Petitioners shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

3. The orders passed by the Revisionary Authority dismissing the Revision Applications filed by the Petitioner above named is taken exception to by way of the above Petitions. The said Revision Applications were filed against the certificates issued under Section 101 of the Maharashtra Co-operative Societies Act. The principal grievance of the Petitioner is that the outstanding amount of the maintenance charges has

been calculated by the Respondent No.4 society by compounding the interest. It is the contention of the Learned Counsel for the Petitioner that in terms of the bye law, the society would be entitled to simple interest. In so far as the Petitioners are concerned, the outstanding amount due as on March 2015 as per the societies own calculation as per the Learned Counsel for the Petitioner is as under :-

Sr. No.	Writ Petition Nos.	Name of the party	Amount
1	WP(ST) No.13947/2015	Mr. Sunil Kumar Jayantilal Shah	Rs.1,65,964.18
2	WP(ST) No.13948/2015	Mr. Jaykumar N. Shah	Rs.1,87,728.15
3	WP(ST) No.13949/2015	Miss. Dipika Jay Kumar Shah	Rs.1,75,671.16
4	WP(ST) No.14124/2015	Mr. Manish P Shah	Rs.1,64,096.47

The Learned Counsel for the Petitioner states that the Petitioners have no objection to deposit the amount which would be calculated as per simple interest. Hence, there would be ad-interim relief in terms of prayer clause “C” on the condition that the Petitioner deposits an amount of Rs.1,25,000/- in each of the above Petitions before the returnable date. If the amount is not deposited in this Court and unless time is extended, the ad-interim relief would stand vacated.

[R.M. SAVANT, J]