

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12108 OF 2015

Anandrao Daga Wagh and another .. **Petitioners**

Versus

The State of Maharashtra,
Through its Secretary, Co-operation
Department, Mntralaya, Mumbai
and others

.. **Respondents**

Shri Prashant S. Shinde, Advocate for Petitioners.
Shri B. V. Virdhe, A. G. P. for Respondent Nos. 1 to 3.
Respondent No. 4 served.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.

DATE : 22ND JUNE, 2016.

PER COURT :-

1. Mr. Shinde, the learned counsel submits that, the Consumer Court has issued a recovery certificate in favour of the Petitioners on 30th April, 2015. However, the Respondents / Authorities are not taking any steps to recover the said amount.

2. It does not appear that the Petitioner at any point of time has pointed out any properties to attach of the Respondent No. 4. From the clause title itself it appears that the Respondent No. 4 is under liquidation. Naturally, when the recovery certificate is executed the priority claims also will have to be considered, such as the dues of the workers, secured creditors and other debtors like Petitioners and the liquidator has to consider the payments to be made.

3. It is submitted that, permission is sought by the petitioners to prosecute the recovery certificate. The same will have to be executed in accordance with provisions and keeping in mind the priority claims.

4. The Respondent Nos. 2 and 3 shall execute the said recovery certificate keeping in mind that the Respondent No. 4 is liquidated and also the settlement of claims as required to be done under the Act. The Respondent Nos. 2 and 3 shall take steps expeditiously in that regard.

5. The Writ Petition is accordingly disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/june.16