

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.610 OF 2001**Nanasaheb Baburao Kadam Vs. The Mula Shetkari Sahakari Soot
Girni through Managing Director and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.V.Dixit, advocate holding for Mr.V.J.Dixit, Senior advocate for petitioners.
 Mr.V.H.Dighe, A.G.P. for the State.
 Mr.K.B.Choudhari, advocate for Respondent Nos.6 and 7.
 Mr.R.N.Dhorde, Senior advocate for Respondent No.8.
 Mr.V.S.Bedre, advocate for Respondent No.12 absent.
 Mr.N.R.Bhavar, advocate for Respondent Nos.15 and 25 absent.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 01.10.2016.

PER COURT :

1. Heard.
2. This Court on 9.6.2015, had passed an order directing the Collector, Ahmednagar, so also Registrar, Maharashtra Cooperative Societies, Ahmednagar, to take effective steps to sell the property of Respondent No.1 within six (6) months. Thereafter, the property of the Respondent No.1 is sold by public auction for an amount of Rs.2,51,48,000/- (Rupees two crores fifty one lacs forty eight thousand). The same is purchased by A.P.M.C., Rahuri.
3. The present petitioner vide the present Writ Petition seeks

relief against Respondent Nos.3 to 7 to make an inquiry U/s 83 and 88 of the Maharashtra Cooperative Societies Act, so also with further directions to pay all the P.F. amount, professional tax and Insurance amount to the concerned authorities, so also to initiate proceedings against Respondent Nos.8 and 10 as provided U/s 6-A of the P.F.Act. According to the learned counsel for the petitioners, it is informed that Life Insurance Premium of Policy No.951314779 is not at all paid by the Soot Girni from the year 1999. The salary as per the list annexed is also not paid, so also the gratuity and bonus is not paid. The details are given in the list annexed to the rejoinder.

4. It is submitted by the learned Senior advocate for Respondent No.8 that the Respondent No.8 has assailed the auction sale of the property of Respondent No.1 basically on the ground that same is sold at a very less price.

5. According to Mr.Choudhari, learned counsel for Respondent Nos.6 and 7, the P.F. dues till the year 2006-07 are recovered except an amount of Rs.99,909/- (Rupees ninety nine thousand nine hundred nine only) excluding the amount of interest and penalty.

6. The relief in prayer clause (B) now has become stale. The assets of Respondent No.1 are also sold by public auction. As far as the claim towards salary and other monetary benefits are

concerned, it is for the Liquidator to consider the respective claims considering priority claims and thereafter distribute the amount.

7. In light of the above, as now the property is sold, the Liquidator would be concerned with further task of distributing the sale proceeds, considering the priority claims and various charges, such as secured creditors, claims of workers, labours etc. The Respondent No.8 has also filed petition challenging the same. Much will depend upon further orders that may be passed in the other Writ Petition.

8. For recovery of P.F. dues if any, the Provident Fund Department is at liberty to take action against the erring persons as is laid down under the Statute.

9. Considering above, the Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.01.10.2016.
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