

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6480 OF 2013

Pradip Janardhan Dhande and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Vijay B. Patil, Advocate for Petitioners.

Ms. S. S. Raut, A.G.P. for Respondent Nos. 1 to 5.

Shri P. B. Salunke, Advocate for Respondent Nos. 6 and 7.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 14TH JANUARY, 2016.

PER COURT :

. It is not disputed that the petitioner No. 1 had availed credit facility of Rs. 4,00,000/- and petitioner No. 2 had availed credit facility of Rs. 4,50,000/- from the respondent No. 6 / Pat Sanstha. It is also not disputed that, the Pat Sanstha had proceeded U/Sec. 101 of the Maharashtra Co-operative Societies Act and recovery certificates are issued in favour of the respondent No. 6.

2. We have heard Mr. Patil, the learned counsel for petitioners who submits that, the petitioners have approached the Commissioner of Co-operation for one time settlement, however,

the same is not decided. To show the bonafides of the petitioners, the petitioners had also approached to the Assistant Registrar Co-operative Societies asking them to give the details about the interest but even the respondent No. 6 / Pat Sanstha did not cooperate. According to the learned counsel, the petitioners to show their bonafides would deposit 50% of the amount of the loan obtained.

3. The learned counsel for the respondent No. 6 / Pat Sanstha submits that, petitioners are the chronic defaulters and have failed to deposit the amount and are not entitled for the benefit of one time settlement. The scheme of One Time Settlement is also not applicable to the respondent No. 6 / Pat Sanstha.

4. This Court vide order dated 30th November, 2015, had adjourned the matter so as to enable the learned counsel for petitioners to take instructions as regards deposit of the amount covered under the certificate issued U/Sec. 101 of the Maharashtra Co-operative Societies Act. The learned counsel for petitioners submits that, petitioners would deposit 50 % of the amount of the loan undertaken. It is to be noted that, the petitioners have not shown any bonafides till date by depositing any amount though recovery certificate is issued. Even principal amount which is undisputed has not been deposited. The conduct of the petitioners lacks bonafide.

5. However as one time settlement proposal is forwarded to the Commissioner of Co-operation, the Commissioner of Co-operation may decide the same on its own merits. It would also consider as to whether the said one time settlement scheme is applicable to the petitioners. However, the same would be considered only after the petitioners deposit the principal amount with the respondent No. 6/Pat Sanstha within a period of six (6) weeks from today.

6. The writ petition as such, is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]