FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

RAST NO.23276 OF 2014
IN
WRIT PETITION NO.7067 OF 2005.

The Maharashtra Cooperative Spinning Mills Ltd. Bhusawal, Dist.Jalgaon Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.S.S.Kulkarni, advocate holding for Mr.S.D.Kulkarni, advocate for the applicant.
Mrs.P.V.Diggikar, A.G.P. for the State.

CORAM : S.V.GANGAPURWALA AND K.L.WADANE,JJ.
Date : 09.12.2016.

PER COURT :

1. Heard.

2. Mr.Kulkarni, learned counsel for the Review Applicant submits that when this Court dismissed the Writ Petition bearing W.P.No.7067/2005, under its order dated 25.4.2004, this Court did not consider the aspect of rehabilitation. It also ought to have been considered that the valuation of the property which was called by the Court was more than Rs.1,95,00,000/- (Rupees one crore ninety five lacs), whereas the property has been sold only for

Rs.8,50,000/- (Rupees eight lacs fifty thousand). According to learned counsel, the machines are sold at throwaway price as scrap and such an auction sale can not be upheld. The efforts ought to be made for revival. According to the learned counsel under the garb of sale of three machines, other machines are also been taken away.

3. We have also heard learned A.G.P.

4. The jurisdiction of this Court in entertaining Review is in a narrow compass. Review can not be entertained as an appeal in disguise. While passing the order in Writ Petition No.7067/2005, we had considered that it is a case of distress sale and the valuation report of Rs.1,95,00,000/- (Rupees one crore ninety five lacs) is for the entire machines and only three machines were subject matter of auction. We did not find any illegality or irregularity in the process of auction. The Society was closed since the year 1998. The said machines were auctioned in the year 2005. The said machines would be obsolete and would not be of any use now.

5. Considering above, the Review Application is disposed of. No costs.

(K.L.WADANE,J.) **(S.V.GANGAPURWALA,J.)**

Dt.09.12.2016.
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