

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

WRIT PETITION NO.9593 OF 2012

Devidas Bhole Urban Co-
Operative Credit Society
Limited, Bhusawal. ... Petitioner.

Versus

The Divisional Joint
Registrar, Co-operative
Societies, Nashik and
others. ... Respondents.

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Mr.V.D.Hon, Senior advocate for the petitioner.
Miss.R.P.Gaur, A.G.P. for the State.
Mr.Mukul S.Kulkarni, advocate for Respondent
No.3.

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CORAM : S.V.GANGAPURWALA, J.

Date : 20.04.2017.

PER COURT :

1. Heard.

2. The petitioner assails the order passed
by the Divisional authority, thereby remitting
the matter to the Assistant Registrar for

deciding proceedings U/s 101 of the Maharashtra Cooperative Societies Act, afresh.

3. Mr.Hon, learned Senior advocate submits that the Revisional authority did not have power to entertain the second Revision. The Revision initially filed was not entertained on the ground that the amount of pre-deposit is not paid. According to the learned Senior advocate, even if contention of Respondent is accepted, still, there is short-fall of more than Rs.1,00,000/- (Rupees one lac) for 50% amount to be deposited. According to the learned Senior advocate, the Revisional authority has not considered that the Assistant Registrar after considering the original documents has rightly issued the recovery certificate.

4. Mr.Kulkarni, learned counsel for the Respondent submits that two demand drafts have been issued by the present Respondent to the petitioner on 6.12.2010, so also an amount of Rs.6,82,000/- (Rupees six lacs eighty two thousand) is paid by demand draft to the Society

and the same is encashed. More than 50% amount is deposited. The Revisional authority has properly considered all the aspects.

5. It appears that the present Respondent has deposited the amount. As per the calculations of the Revisional authority, the same constitutes 50% of the amount required to be deposited for filing Revision. The Revisional authority has observed that the Assistant Registrar has not given sufficient opportunity to the present Respondents, so also necessary inquiry is not held.

6. The Assistant Registrar has to adhere to the Rules 86A to 86F of the Maharashtra Cooperative Societies Rules, while entertaining the proceedings U/s 101 of the Maharashtra Cooperative Societies Act. By remanding the matter both the parties would get proper opportunity to put forth their case.

7. Considering above, I am not inclined to interfere with the order of the Revisional

authority. The parties shall appear before the Assistant Registrar in proceedings U/s 101 of the Maharashtra Cooperative Societies Act, on 14.5.2017. The Respondent No.5 herein has not appeared though served. The Assistant Registrar may issue fresh notice to Respondent No.5. The Assistant Registrar shall endeavour to dispose of the said proceedings expeditiously, preferably within six (6) months from the date of appearance of the parties.

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

(S.V.GANGAPURWALA, J.)

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