

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2378 OF 2015**

Shri Popatrao B Saste

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. G. T. Kanchanpurkar for the Petitioner

Mrs. R. A. Salunkhe AGP for the Respondent State

Mr. Ganesh Bhujbal for the Respondent No.6

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 5th OCTOBER, 2017**

P.C.

1 The Learned Counsel appearing for the Petitioner Mr. Kanchanpurkar states that the dispute between the Petitioner and the Respondent No.6 society has been amicably resolved. He further states that the Petitioner would make payment of the amount of Rs.1,27,445/- towards maintenance charges and Rs.25,000/- towards transfer fees to the Respondent No.6 society. The said amount of Rs.1,27,445/- towards maintenance charges is as per the statement made by the Learned Counsel Mr. Bhujbal appearing on behalf of the Respondent No.6. The Learned Counsel for the Petitioner Mr. Kanchanpurkar states that the aforesaid payments would be made within two weeks from date. If the aforesaid payments are made, it is expected that the society would confer membership on the Petitioner and also issue the share certificate to the Petitioner. The same to be done with reasonable despatch.

2 Now the dispute remains as regards repayment of the amount of Rs.1,50,000/- which amount has been deposited by the Petitioner with the Special Recovery Officer i.e. the Respondent No.4 herein. An affidavit has been filed by Mr. B. K. Hande, the Assistant Registrar Co-operative, Society, Thane. In the said affidavit in paragraph 5 it is stated thus :

“Hence in order to avoid any controversy the bank decided to hand over actual interest accrued which is Rs.57,719/- and cheques for said amounts were prepared and said fact is communicated to Petitioner on 16.03.2015.”

3 Hence the Assistant Registrar has directed the payment of the interest of Rs.57,719/- which has accrued on the said amount of Rs.1,50,000/- to be paid to the Petitioner. The said amount would accordingly be paid by the Thane District Co-operative Agri Rural Multipurpose Development Bank Ltd. Thane. The said communication dated 16-3-2015 was addressed to the Petitioner. A photocopy of the said communication would be handed to Mr. Kanchanpurkar by the Learned AGP during the course of the day. It is expected that the Petitioner would be refunded the amount of Rs.1,50,000/- as also would be paid the said interest amount of Rs.57,719/- expeditiously i.e. within a period of two weeks from date.

4 With the directions as aforesaid, the above Writ Petition is disposed of.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]