

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 3632 OF 2017

M/s. Vaishnavi Transport Co.	...Petitioner
<i>Versus</i>	
Vishwas Cooperative Bank Ltd.	...Respondent

....
Ms. Indrayani M. Koparkar, Advocate for the Petitioner.
Mr. Prashant Naik i/b. S.R. Waghmare, Advocate for the
Respondent.

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CORAM : R. G. KETKAR, J.

DATE : 03rd APRIL, 2017

P.C.

1. Heard Ms.Indrayani Koparkar, learned Counsel for the petitioner and Mr.Prashant Naik, learned Counsel for the respondent, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 25.10.2015 passed by the Divisional Joint Registrar, Nashik. By that order, the Divisional Joint Registrar though condoned the delay in filing Revision Application, dismissed the Revision Application on the ground that the petitioner did not comply the mandatory requirement under Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960.

3. Mr. Naik has filed affidavit-in-reply of Bhushan Sunil Bhosale, working as Manager with respondent No.1. Along with the affidavit he has placed on record the proceedings of auction conducted on 27.3.2017. He submitted that in respect of shop No.2 highest bid of Rs.15,50,000/- was given by Miss.Aarti Chandrakant Jagtap, in respect of shop No.3 highest bid of Rs.15,50,000/- was given by Shri Shashikant Damokar Sonwane and in respect of shop No.4 highest bid of Rs.15,50,000/-. He submitted that in pursuance of this auction, the successor bidders have deposited 15% of the price as per Rule 107(11)(g) of the Maharashtra Co-operative Societies Rules, 1961.

4. In view thereof, Ms.Koparkar seeks permission to withdraw this Petition with liberty to adopt appropriate proceedings challenging the auction. On the motion made by Ms.Koparkar, the Petition is allowed to be withdrawn and is dismissed as withdrawn. It is made clear that I have not examined the merits of the proposed challenge. Order accordingly.

(R. G. KETKAR, J.)