

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.73 OF 2017
IN
WRIT PETITION NO.4024 OF 2017**

**Sanjay Ganpati Patil : Petitioner.
versus
The State of Maharashtra and ors. : Respondents.**

**Mr. Amit Sale i/by Mr. Vaibhav Gaikwad for the Petitioner.
Mr. Dilip B Shinde for the Respondent No.4.**

**CORAM : R. M. SAVANT, J.
DATE : 03rd MAY 2017**

P.C.

1 The above Review Petition is a gross abuse of the process of this Court. By the above Review Petition, the Review Petitioner seeks to review the order dated 22/03/2017 passed by this Court in the above Writ Petition. By the said order the Writ Petition was dismissed on the ground that the same was not maintainable.

2 The background to the filing of the above Writ Petition was that the Review Petitioner had earlier filed Writ Petition No.11827 of 2016 in this Court challenging the order dated 09/09/2016 passed by the Divisional Deputy Registrar, Kolhapur Division, Kolhapur dismissing the Revision Application filed by the Review Petitioner on the ground of non-compliance in the matter of making the pre-deposit as contemplated under Section 154(2A) of the

Maharashtra Co-operative Societies Act (for short “the said Act”).

3 In so far as the above Writ Petition is concerned, the Review Petitioner sought to challenge the Certificate issued under Section 101 of the said Act. A preliminary objection was therefore raised by the learned Senior Counsel appearing on behalf of the Respondent No.4-Bank that having availed of the remedy by way of a Revision which was rejected on the ground of non-compliance in the matter of making the pre-deposit as contemplated under Section 154(2A) of the said Act, the Review Petitioner now cannot file the above Writ Petition directly challenging the certificate issued under Section 101 of the said Act. This Court sustained the said objection and granted liberty to the Review Petitioner to revive the said Revision Application by depositing 50% of the amount covered by the certificate issued under Section 101 of the said Act.

4 It is required to be noted that the amount due from the Review Petitioner is in the sum of Rs.1,03,53,186/-. It appears that without availing the said remedy of filing the Revision Application which is for obvious reasons the Review Petitioner has chosen to file the above Review Petition seeking to invoke the review jurisdiction of this Court. The review of the order dated 22/03/2017 is sought principally on the ground that the Revision Application having been dismissed on the ground of non-compliance in the matter of

making pre-deposit as contemplated under Section 154(2A) of the said Act, the Revisionary Authority in effect has not “entertained” the Revision Application and therefore the above Writ Petition challenging the Certificate issued under Section 101 of the said Act was maintainable. Reliance in support of the said contention is sought to be placed on the following judgments :-

- 1] Lakshmi Rattan Engineering Works Ltd. v/s. Assistant Commissioner Sales Tax, Kanpur & ors. reported in AIR 1968 SC 488
- 2] Arun B Khanjire v/s. Ichalkaranji Urban Co-operative Bank Ltd. & ors. reported in (2009) 2 SSC 187;
- 3] Dilawar Hakim Shah v/s. Special Recovery Officer Chiplun Co-operative Bank Ltd & ors. reported in (2006) (3) Mh. L.J.256; and
- 4] vivek Bhila Patil v/s. State of Maharashtra & ors. reported in (2008) (2) Mh. L. J. 93.

5 In my view, the said submission is misfounded. Though the Revision Application has been dismissed on the ground of non-compliance in the matter of making pre-deposit as contemplated under Section 154(2A) of the said Act, it would not mean that the Revision Application was not entertained. The Revision Application was obviously entertained, but not proceeded with in view of the fact that there was non-compliance in the matter of making the pre-deposit as contemplated under Section 154(2A) of the said

Act. In my view, the above Review Petition exemplifies the conduct of the Review Petitioner which is to somehow stall the recovery of the said amount of Rs.1,03,53,186/- from him which amount he owes to the Respondent No.4 Bank. As indicated above the above Review Petition is a gross abuse of the process of this Court. This Court is therefore constrained to dismiss the above Review Petition with costs quantified at Rs.50,000/- (Rupees Fifty Thousand only).

[R.M.SAVANT, J]