IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9762 OF 2015

Sudhakar Pundlik Pawaskar .... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

.....

- Mr.S.M. Sabrad i/b. Mr.Y. D. Patil, Advocate for the Petitioner.
- Ms.Kavita Salunke, AGP, for Respondent Nos.1, 2 and 4.
- Mr.V.S. Gharat, for Respondent No.3.

CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 04th OCTOBER, 2017.

P.C. :

1. The above petition has been filed challenging the order dated 03/01/2013 passed by the Deputy Registrar Co-operative Societies. G/N Ward, Mumbai as also the First Demand Notice dated 22/12/2014, the notice dated 15/09/2015 attaching the property of the Petitioner, the flat No.A-02 Gokul Co-operative Housing Society Ltd., Gokul Nivas.122, Lt.Kotnis Marg. Mahim, Mumbai400 016, are the consequence of the said order dated 03/01/2013 passed u/s 101 of the Maharashtra Co-operative

Societies Act. The Petitioner has filed a Revision Application against the said order dated 03/01/2013 before the District Deputy Registrar Co-operative Societies, Mumbai. It seems that the said Revision Application is pending. However, during the pendency of the Revision Application, the aforesaid Attachment Notice dated 15/09/2015 came to be issued, which has triggered the filing of the above Petition. The above Petition has come up before Division Bench of this Court on 05/10/2015. In view of the fact that the Revision Application filed by the Petitioner was pending, the Division Bench directed that till the next date, no further steps be taken on the basis of the impugned notice dated 15/09/2015. The said ad-interim order has continued till this date.

2. It is required to be noted that the certificate issued u/s 101 of the Maharashtra Co-operative Societies Act, is in the sum of Rs.1,10,815/-. Since the Revision Application filed by the Petitioner is pending, it would be just and proper to issue the following directions:

(a) The Petitioner to appear before the Revisionary Authority on 10/10/2017. The Revisionary Authority to hear and decide the said Revision Application latest by 15/11/2017. During the pendency of the Revision, the ad-interim order which is an operation to the effect that no further steps be taken on the basis of the impugned notice dated 15/09/2015, would continue to operate.

(b) However, it is made clear that the Petitioner is not exempted from making any pre-deposit as required by section 154(2) of the Maharashtra Co-operative Societies Act. However, it would also be open for the Petitioner to seek exemption from making said pre-deposit on such grounds as are available to him. If any such application is made for exemption, from making the pre-deposit, the Revisionary Authority would consider the same in accordance with law.

3. If the Petitioner does not make an appearance on 10/10/2017, the Revisionary Authority would thereafter give the Petitioner one more chance to appear and if the absence of the Petitioner persists, the Revisionary Authority would decide the Revision in the absence of the Petitioner.

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

(SARANG V. KOTWAL, J.) **(R. M. SAVANT, J.)**