

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13348 OF 2017

Pralhad Sitaram Deora and Anr.

...Petitioners

Vs.

Jaijee Mansion CHS Ltd. and Ors.

...Respondents

Mr. S.R. Kulkarni for Petitioners

Mr. S.H. Kankal, AGP for Respondent Nos. 5 and 6

Mr. N.N. Bhadrashetye for Respondent No1.

CORAM : M.S. SANKLECHA, J.
MONDAY, 27TH NOVEMBER, 2017

P.C.

1. At the request of the learned counsel for the parties the petition is being disposed of finally at the stage of admission.
2. This petition challenges the order dated 29th March, 2017 passed by the District Deputy Registrar under section 154 of the Maharashtra Co-operative Societies Act (the Act) and the consequent notice dated 6th October, 2017 seeking to execute the impugned order dated 29th March, 2017 passed by the District Deputy Registrar.
3. The Petitioners' revision application under section 154 of the Act from

the issue of recovery certificate dated 7th June, 2016 was dismissed for failure to deposit 50% of the total recoverable dues under section 154 (2) (A) of the Act.

4. This Court by an order dated 25th October, 2017, had granted liberty to the Petitioners to compute 50% of the amount of the dues along with interest till 25th October, 2017 and deposit the same within a period of three weeks thereof.

5. Mr. Kulkarni, learned counsel for the Petitioners states that in terms of the order dated 25th October, 2017 of this Court, the Petitioners have deposited with Respondent No.1- Society an amount of Rs.21,22,617/- being 50% of the arrears payable to Respondent Society till 31st October, 2017 inclusive of interest.

6. In the above view, it would be appropriate to quash and set aside the impugned order dated 29th March, 2017 of the District Deputy Registrar and restore the revision application to him for consideration on merits. Needless to state, the Petitioner's revision application will be heard on merits. Subject to the satisfaction of the District Deputy Registrar that the amount of 50% of the recoverable dues as directed by this Court's order dated 25th October, 2017 has been complied with. In case there is any shortfall, the Petitioners undertake to

pay the same within a period of two weeks from the communication of the shortfall received from the office of the District Deputy Registrar. It is made clear that in case there is a shortfall in deposit of 50% of dues/ amount payable as on 25th October, 2017 along with interest and the Petitioners do not comply, then the District Deputy Registrar is entitled to dismiss the revision application for non-deposit in terms of section 154 (2) (A) of the Act read with the order of this Court dated 25th October, 2017. Needless to state as the impugned order dated 29th March, 2017 is set aside, the consequent notice dated 6th October, 2017 seeks to recover the dues is also quashed and set aside.

Writ petition is disposed of in the above terms. No order as to costs.

[M. S. SANKLECHA, J.]