

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CONTEMPT PETITION NO. 4 OF 2013
IN
MISC. PETITION NO. 88 OF 2011**

Manish Vihar Co-operative Hsg.Soc. Ltd. .. Applicant

In the matter between :

Manish Vihar Co-operative Hsg.Soc. Ltd. .. Petitioner

Vs.

The Administrator General,
Maharashtra State & Ors.

.. Respondents

Mr.Ramchandra Yadav for petitioner.

Mr.Kirit J. Hakani for respondents.

Mr.V.G. Jadhav-Secretary of the petitioner-society present.

Mr.S.G.Adake- Administrator General-State of Maharashtra (Judicial Officer on deputation) present in Court.

CORAM : K.R.SHRIRAM, J.

DATE : 6TH JANUARY, 2017

P.C.

1 Shri Hakani, on instructions from the Administrator General Shri Adake, who is present in Court, states that they were unable to comply with the directions given in paragraph 3 of the order dated 14th September 2012 because there were couple of changes in the officers since the order was passed and due to various internal issues. Shri Hakani states that in 2011, the office of the Administrator General had taken steps to get the concerned property valued. At the same time, Shri Hakani also adds that nothing has progressed beyond writing to the petitioner that they have taken steps to get the property valued. Shri Hakani states that the respondents had also called

upon the petitioner for a meeting to work out the actual amount payable.

2 Shri Yadav for the petitioner-society states that in September 2012, the amount that was payable to the petitioner-society was about Rs.6,50,000/- whereas it has ballooned to almost Rs.13,00,000/-. Shri Hakani, on instructions from the Administrator General, states that an amount of Rs.6,50,000/- will be paid as the Administrator General has with him about Rs.8,00,000/- which would belong to the estate of the deceased. Shri Hakani also mentions that in the order dated 14th September 2012, the petitioner-society was directed to file a claim before the Administrator General in accordance with law.

Rs.6,50,000/- to be paid upon the petitioner-society making a claim on the Administrator General in accordance with law.

Shri Yadav states that the claim will be lodged in the appropriate form within two weeks. The Administrator General will decide in accordance with law the claim of the society within two weeks of receiving from the society.

3 Shri Hakani further states that the original documents relating to the said flat including the Sale Deed etc. are with the society. Shri Yadav is not disputing that and states that his clients will hand over to the Administrator

General all documents that the Society has in their possession relating to the concerned flat within two weeks from today.

The statement accepted. Within two weeks of receiving the documents, the Administrator General will get the concerned flat valued and within one week thereafter the Administrator General to take steps to dispose of the concerned flat. The Administrator General to invite bids and preference to the members of the society shall be given provided the members are able to match any offer that the Administrator General might receive from outsiders. If there are more than one member of the society bidding for the concerned flat, the one offering the highest price will be accepted by the Administrator General.

4 Shri Hakani also raises a grievance that the Society is charging 21% interest which is very exorbitant. Shri Hakani also points out that the Administrator General is only doing a statutory duty and the petitioner-society should be very reasonable when they dealt with such matters.

5 Shri Yadav, on instructions, states that the Society will call for a meeting of the members to consider whether the interest of 21% being charged by the for Society, atleast post Administrator General took possession of the premises, can be scaled down/waived in view of the

special circumstances of the case. Shri Yadav states that the Society will take steps within four weeks to call for a meeting of its members in this regard.

6 Shri Hakani for the respondents undertakes to file Vakalatnama within two weeks from today.

7 The Contempt Petition accordingly disposed.

(K.R. SHRIRAM, J.)