

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11012 OF 2018

M/S GAWALI DUDH AND LIMBU MARKETING
VERSUS
THE DISTRICT DEPUTY REGISTRAR AND OTHERS

...
Advocate for Petitioners : Shri Kasar Rajendra S.
AGP for Respondents: Shri Yadav-Lonikar S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 08, 2018
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PER COURT :-

1 Though I was inclined to dismiss the petition after hearing the learned Advocate for the petitioner, in order to find a resolution to the dispute in hand, I have passed the following order on 3.10.2018:-

“1 The Petitioner is aggrieved by the order dated 03.08.2018 passed by the District Deputy Registrar, Cooperative Societies and the subsequent auction notice dated 08.08.2018 by which, the property mortgaged by the Petitioner is sought to be sold for recovery of dues.

2 The Petitioner admits that his firm, namely, M/s Gawali Dudh and Limbu Marketing has obtained loan of Rs.30 lac in 2004 from the Ashok Cooperative Bank Limited, Ahmednagar. The Petitioner has repaid about Rs.45 lac towards the loan account till today.

3 *The order dated 03.08.2018 indicates that an amount of Rs.31,63,893/- with interest is to be recovered from the Petitioner and the said calculation is for a period of six months. As such, the Petitioner is required to pay additional amount of about Rs.35 lac in addition to the amount that he has already repaid.*

4 *The learned Advocate for the Petitioner prays for installments.*

5 *Prior to issuing notice to the Respondents, I have suggested the following schedule for repayment of the amounts:-*

(a) *An amount of Rs.10 lac shall be deposited by the Petitioner with Respondent No.4 Bank on or before 08.10.2018.*

(b) *An amount of Rs.10 lac shall be deposited with Respondent No.4 Bank on or before 25.10.2018.*

(c) *The remaining amount of about Rs.15 lac to be deposited with Respondent No.4 Bank on or before 20.11.2018.*

6 *The learned Advocate for the Petitioner seeks time to take instructions.*

7 *Stand over to 08.10.2018 (Monday) for 'passing orders'.*

2 The learned Advocate for the petitioner, who is present in the Court, submits on instructions that he is not ready with the first installment today and seeks rescheduling of the dates for repayment of the amounts.

3 Considering the fact that the loan of Rs.30,00,000/- was obtained in 2004 and the petitioner is obliged to repay Rs.35,00,000/- as on date, I do not find that the impugned order passed by the District Deputy Registrar, Cooperative Societies, to proceed for disposing off the property for recovery of amounts could be termed as being perverse or erroneous.

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4 This petition being devoid of merits is, therefore, dismissed.

5 Since the petitioner has a statutory remedy of filing a Revision under Section 154, subject to compliance of Sub-section 2A, of the Maharashtra Cooperative Societies Act, the dismissal of this petition shall not come in way of the petitioner taking recourse to the statutory remedy as is permissible in law.

(RAVINDRA V. GHUGE, J.)

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