

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 3762 OF 2018****Pravin Shreeram Gholap & Ors. Petitioners****VERSUS****The Special Recovery Officer & Ors. Respondents**

Ms.Lalita Panchakshari for the Petitioners.

Mr.S.A.Pawar for the Respondent nos. 1 and 2.

Mr.S.H.Kankal, A.G.P. for the State.

CORAM : R.D. DHANUKA, J.**DATE : 26th MARCH, 2018****P.C.**

The papers are allowed to be produced at 03.00 p.m.

2. learned counsel appearing for the petitioners on instructions state that her client will deposit 50% of the certified amount to be calculated upto the date of the deposit i.e. four weeks from today with the respondent no.2. It is made clear that if the amount is not deposited within four weeks from today, the stay granted by this court to stand vacated without further reference to the court.

3. In view of the statement made by the learned counsel for the petitioners which is accepted as an undertaking by this court, learned counsel for the society states that since the petitioners have undertaken before this court to deposit 50% of the certified amount with the society within the time specified, his client would not implement the order dated 6th February,2018 passed by the learned District Magistrate

referred in prayer clause (b) of the writ petition. Statement is accepted.

4. Learned counsel for the petitioners undertakes to file revision application under section 154 of the Maharashtra Co-operative Societies Act, 1960 against the recovery certificate within two weeks from today. In view of the statement made by the learned counsel for the petitioners to deposit 50% of the certified amount, the learned Divisional Joint Registrar shall not insist for further deposit under section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960.

5. If the amount is not deposited by the petitioners or if the revision application is not filed within two weeks from today, the respondent no.2 society would not be bound to implement the statement made before this court today not to implement the order passed by the learned Divisional Joint Registrar. The respondent nos. 1 and 2 would be at liberty to enforce the recovery certificate in accordance with law.

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

7. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]