

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5708 OF 2013
WITH
WRIT PETITION NO. 5709 OF 2013**

Ravindra Prabhakar Nerlekar

... Petitioner

V/s.

Akshata Sahakari Griha Rachana Sanstha
Maryadit & Ors.

... Respondents

Mr. Saurabh Oka for the Petitioner.

Mr. P.G. Chavan for Respondent No.1.

Ms. Kavita Solunke, AGP for the Respondent Nos. 2 and 4.

CORAM : R.D. DHANUKA, J.

DATE : 09th JULY, 2018

P.C.:

. By these two petitions filed under Article 227 of the Constitution of India, the Petitioner has impugned the order dated 12.11.2012 passed by the Respondent No.4 in the Revision Application filed under Section 154 of the Maharashtra Co-operative Societies Act and has also impugned the order dated 01.02.2010 passed by the Respondent No.3 issuing certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960.

2 Respondent No.1 society had borrowed various amount from the Maharashtra State Co-operative Housing Finance Corporation Limited for the purpose of carrying out construction of building. The loan amount was

transferred to the various flat purchasers and members, who became liable to repay the amount to Respondent No.1 Society.

3 The Petitioner in both the matters failed to make repayment of the loan amount fully. The Respondent No.1 filed application under Section 101 of the Maharashtra Co-operative Societies Act, 1960 for issuance of recovery certificate. The Deputy Registrar after hearing both the parties issued recovery certificate.

4 The Petitioner being aggrieved by the said order, filed two separate revision applications under Section 154 of the Maharashtra Co-operative Societies Act before the learned Divisional Joint Registrar. The learned Divisional Joint Registrar after hearing both the parties have rejected the revision applications filed by the Petitioner.

5 Learned Counsel appearing for the Petitioner in both the matters has invited my attention to a letter annexed to the Writ Petitions stating that the Petitioner has paid the entire amount. It is not in dispute that the said letter had never been produced by the Petitioner before the Authorities below and sought to be annexed for the first time in these Writ Petitions.

6 A perusal of the impugned orders indicates that both the Authorities have passed reasoned orders while rejecting the contentions raised by the Petitioner. The findings rendered by the Authorities are not perverse and thus, do not warrant interference of this Court in these two petitions.

7 A perusal of impugned orders passed by the Authorities clearly indicates

that no such alleged letter was produced before the two Authorities below and thus, no cognizance of such letter can be taken by this Court for the first time in these Writ Petitions.

8 Both Writ Petitions are accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)