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

WRIT PETITION NO.5201 OF 2015

Sou. Harsha Chandrakant Shah

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr.Rahul Kadam, Advocate for the Petitioner.

Y.D. Patil, AGP for Respondent Nos.1 and 2.

S.S. Kanetkar, Advocate for Respondent No.4.

CORAM : REVATI MOHITE DERE, J.

DATED : 6th OCTOBER 2018

P.C.:

- 1] Heard learned counsel for the parties.
- 2] By this Petition, the Petitioner has impugned the order dated 28th May 2015 passed by the Regional Joint Registrar, Co-operative Societies, Pune Region, Pune, in Revision Application No.147 of 2015, by which the said Revision was dismissed essentially on the ground that the Petitioner had not deposited 50% of the amount, as mandated, at the time of filing of the Revision Application.
- 3] Learned Counsel for the Petitioner submitted that the Petitioner had

settled the account in question i.e. Account No. 156 and as such no amount was due and payable by the Petitioner to the Respondent No.4-Jankalyan Gramin Bigarsheti Sahakari Patasanstha Maryadit. Learned Counsel for the Petitioner relied on the letter dated 22nd March 2011, which is at page No.22 of the Petition, in support of his submission. He submitted that in view of the said letter, there was no justification for the Respondent No.4 to issue the second notice.

4] Learned Counsel for Respondent No.4 opposed the Petition. He also filed an affidavit of Mhatarba M. Kautkar in the aforesaid Petition to oppose the same. Learned Counsel for Respondent No.4 submitted that the letter dated 22nd March 2011 on which the Petitioner is relying is a fabricated letter, prepared at the behest of the Petitioner's husband, who was a member of the Managing committee of the Respondent No.4 at the relevant time. He submitted that there is no illegality in the second notice, which came to be issued. He submitted that the Regional Joint Registrar has rightly rejected the Revision Application, for failure to deposit 50% of the amount pursuant to the Recovery Certificate.

5] There is a dispute between the parties with regard to the authenticity of the letter dated 22nd March 2011, which is at Page no.22 of the Petition.

Prima facie, no infirmity is found in the issuance of notice in question. Accordingly, the Petitioner ought to have deposited 50% of the amount, as is required while hearing the Revision Application, as the challenge was to the Recovery Certificate issued by the Registrar under Section 101 of the Maharashtra Co-operative Societies Act 1960 (MCS Act).

6] Considering the aforesaid, no interference is warranted in the impugned order. The Writ Petition is dismissed.

7] It is always open for the Petitioner to approach the Respondent No.4- Jankalyan Gramin Bigarsheti Sahakari Patasanstha Maryadit in case the Petitioner intends to settle the dispute with the Respondent No.4. All contentions on merits are expressly kept open.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)