

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

WRIT PETITION (ST.) NO.23372 OF 2018

Suman Gopinath Pendurkar
Through POA holder

.. Petitioner

V/s.

Sudama Co-operative Housing Society Ltd.

.. Respondents

Mr.Sachin S. Tigde for the petitioner
Mrs.Sushama S. Bhende, A.G.P. for the respondent nos.1 and 2
Mr.Sachin Desai for the respondent no.3

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : OCTOBER 1, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 By this petition under Article 226 of the Constitution of India, the Petitioner challenges the show cause notice dated 07.07.2018 issued by Respondent no.1, Deputy Registrar, Co-operative Societies, Thane under section 101 of the Maharashtra Cooperative Societies Act, 1960 for recovery of enquiry fees of Rs.12,000/- along with accrued interest thereon.

3 Both the counsel for the Petitioner as well as Society submit that Recovery Application No.215 of 2018 filed by the Society for recovery

Mohite

1/2

of outstanding dues of Rs.31,215/- towards enquiry fees and interest thereon towards Flat no.49 is pending for hearing on its own merits.

4 Advocate for the Society filed Affidavit-in-Reply. Same is taken on record.

5 The learned A.G.P. for the State submits that they will decide their Recovery Application No.215 of 2018 within 8 weeks from today after hearing both the sides on its own merits.

6 Considering these facts, following order is passed:

a) Learned Deputy Registrar, Co-operative Societies, Thane City at Thane is directed to decide Recovery Application No.215 of 2018 filed by Sudama Co-operative Housing Society Ltd. as early as possible but in any case, within 8 weeks from today, after hearing both the sides on its own merits.

b) Till final decision on Recovery Application No.215 of 2018, Respondents are restrained from taking any coercive action against the Petitioner in respect of the said cause of action.

c) Advocate Mr.Sachin Desai to file his Vakalatnama for respondent no.3 within two weeks from today.

d) Writ Petition stands disposed of accordingly.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)