

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 389/2016.

Wox Collers Pvt. Ltd. -**VERSUS**- The Additional Commissioner and Special Registrar and another.

WRIT PETITION NO. 390/2016.

Eemkay Electrics Motor, -**VERSUS**- The Additional Commissioner and Special Registrar and another.

WRIT PETITION NO. 391/2016.

Ashirwad Movietone Pvt. Ltd. -**VERSUS**- The Additional Commissioner & Special Registrar and another.

WRIT PETITION NO. 392/2016.

Wox Appliances (I) Ltd. -**VERSUS**- The Additional Commissioner and Special Registrar and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : JANUARY 08, 2018.

Heard Shri A.M. Ghare, learned counsel for
the petitioners, Ms. N.P. Mehta, learned A.G.P. for
respondent no.1 and Shri S. Deshpande, learned
counsel for respondent no.2.

2. Petitioners who have received notice
before recovery dated 10.11.2015, from a Liquidator of
a Cooperative Bank (under Liquidation), sought
permission under Section 107 of the Maharashtra
Cooperative Societies Act from the Registrar and the

2

said prayer has been rejected by pointing out that for filing a dispute under Section 91 of the Act, an application under Section 106 of the Act could have been filed. This rejection is on 17.12.2015. It is questioned before this Court in present Writ Petitions filed on 14.01.2016. This Court has on 20.01.2016 issued notice and granted ad-interim relief. With the result, recovery proceedings could not commence.

3. The recovery as alleged is of Rs.93,36,547/-, Rs.2,83,27,989/-, 1,37,93,122/- and Rs. 1,48,10,121/- respectively.

4. After hearing the respective counsel we find that in application under Section 107 of the Act, petitioners nowhere state that they wanted to file a Dispute under Section 91 of the Act. Prayer is vague and in it, the applicants/petitioners, seek leave to file/lodge appropriate legal proceedings against respondent Bank.

5. Section 107 speaks of Suit, while Section 106 contemplates dispute under Section 91. Because of this position, as applications are filed under Section 107 with vague prayer, impugned order has been passed.

3

6. We do not find anything wrong with order so passed. It is open to petitioners to file appropriate application and seek permission. Writ Petitions are accordingly disposed of. No cost.

JUDGE

JUDGE

Rgd.