

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8215 OF 2018

Nandkishor Badrinath BaviskarPetitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. R.B. Ade, Advocate for Petitioner
Mr P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 to 3
Mr P.S. Gaikwad, Advocate for Respondent No. 4 and 5

WITH
WRIT PETITION NO. 11737 OF 2016

Narayan Namdeo Patil and Ors. ...Petitioners

VERSUS

The State of Maharashtra & ors. ...Respondents

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Mr M.R. Wagh, Advocate for Petitioners
Mr. P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 to 3
Mr P.S. Gaikwad, Advocate for Respondent No. 4

WITH
WRIT PETITION NO. 3843 OF 2016

Suhas Yadav Jogi and Ors. and Ors. ...Petitioners

VERSUS

The State of Maharashtra & ors. ...Respondents

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Mr Harshal Prakash Randhir, Advocate for Petitioners
Mr.P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 and 2
Mr P.S. Gaikwad, Advocate for Respondent No. 3 and 5

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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 23rd January, 2019

ORAL ORDER :

1. The petitioners herein are depositors of Shri Samarth Nagari Sahakari Patpedhi Maryadit. The Assistant Registrar is appointed as a Liquidator.

2. On the last date, we had asked for the details from the liquidator as to the manner in which disbursement of the amount is made to the depositors and the steps taken to realize the amount. Today, the liquidator has filed an affidavit and states that approximately about Rs. 87 lakhs have been received from auction of the property. From the said amount, Rs. 79 lakhs have been disbursed to the depositors. After perusing the list, it appears that amongst 2-3 depositors only almost Rs. 45 lakhs have been disbursed, whereas to the majority of the depositors only Rs.5000/- each have been disbursed. In fact, the liquidator has to chalk out the scheme and the payment has to be made in accordance with the scheme.

3. Under the Maharashtra Co-op. Societies Act, once the Society is under liquidation and the liquidator is appointed, it is the

liquidator, who has to disburse the amount in accordance with the priority claims as laid down in the Act and the circulars.

4. It is submitted that because of the orders passed in writ petition and the contempt petition, the amount was required to be paid to those depositors. In fact, the amount ought to have been disbursed on pro rata basis, of course, considering the priority claims. It is submitted that there are 16500 depositors. The total amount of deposit is to the tune of Rs. 2920.77 lakhs. The Society has to recover about Rs.2166.34 lakhs from the borrowers. Even if the entire amount is received, there would be still deficit. The liquidator shall chalk out the scheme as to the manner in which the payment of the depositors is to be made. The liquidator has to consider that no favoritism is shown to the particular depositors. It is also expected that the liquidator takes steps to recover the amount from the defaulters. It is further submitted that all proceedings under Section 101 of the M.C.S. Act are completed and the properties are now put to auction and amount is being realized. The same shall be expedited.

5. Considering the large number of depositors and the amount to be recovered, we direct the District Deputy Registrar to supervise the working of the liquidator with regard to the distribution

of the amount to the depositors. The liquidator shall take immediate steps to realize the amount and to distribute the amount to the depositors without showing favoritism to the particular depositors. It also appears that more amount is paid to some of the depositors. We do not find any scheme having been chalked out. The liquidator in consultation with the District Deputy Registrar shall chalk out the scheme with regard to repayment. The same shall be done expeditiously and preferably within a period of six weeks from today and the amount shall be paid to the depositors after recovery in tune with the scheme in accordance with law, so also considering the priority as laid down in the circulars.

6. The writ petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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