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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9663 OF 2017

Kolgungade Co-operative Housing Society Ltd...Petitioner.

V/s.

State of Maharashtra & Anr.

..Respondent.

Mr.Bhavesb Parmar I/b. Devmani J.Shukla for the petitioner.

Mr.S.H.Kankal, AGP for respondent Nos.1A & 1B.

Mr.Sameer N.Patil for respondent No.4.

CORAM: NITIN W.SAMBRE, J.

DATE : JULY 17, 2019

P.C.:-

The petitioner-society initiated proceedings under section 101 of the Maharashtra Co-operative Societies Act, 1960 ('the Act' for short) for recovery of maintenance amount which came to be rejected by the impugned order dated October 17, 2015. The said order was confirmed in revision on May 31, 2017 by the Divisional Joint Registrar. As such, this petition.

2. The submissions are, the decision of the General Body in the matter of recovery of the maintenance amount is not required once the Managing Committee passes a resolution.

3. In my opinion, both the authorities have recorded concurrent finding that there has to be a decision by the General Body and not the Managing Committee authorising recovery of the amount.

4. That being so, since concurrent findings recorded against the petitioner, there is no substance in the petition. The petition fails and is dismissed.

5. Needless to clarify that if the petitioner-society files a fresh proceedings in accordance with law, the same be decided without being influenced by the findings of the authorities in the impugned orders.

(NITIN W.SAMBRE, J.)