

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

WRIT PETITION NO.8274 OF 2019

Wasudeo Hiralal Barbate

... Petitioner

-vs-

The District Deputy Registrar,
Cooperative Society, Gondia and Anr.

... Respondents.

WITH
WRIT PETITION NO.8428 OF 2019

Vicky s/o Harisingh Yadav

... Petitioner

-vs-

The District Deputy Registrar,
Cooperative Society, Gondia and Anr.

... Respondents.

Shri T. S. Kene, Advocate for petitioner.

Shri S. B. Bissa and Shri H. D. Dube, Assistant Government Pleaders for the respondents.

CORAM : A.S.CHANDURKAR, J.

DATE : December 19, 2019

P.C.

Common order :

Rule. Rule made returnable forthwith and heard finally.

Shri S. B. Bissa and Shri H. D. Dube, learned Assistant Government Pleaders waive notice for the respondents.

2. Both the petitioners were issued money lending License under

provisions of the Maharashtra Money Lending (Regulation) Act, 2014 (for short, the said Act). The petitioners sought renewal of the said annual money lending License by making an application before the Assistant Registrar, Cooperative Society, Gondia. On considering those applications a report was submitted to the District Deputy Registrar, Cooperative Society, Gondia. By the impugned order the District Deputy Registrar has cancelled the money lending Licence issued to the petitioners. According to the petitioners the impugned orders have been passed without hearing them and hence the said orders have been challenged in these writ petitions without following the statutory remedy that is prescribed by Section 8(3) of the said Act.

3. Shri T. S. Kene, learned counsel for the petitioners submits that under provisions of Section 8(2) of the said Act the District Deputy Registrar is required to give reasonable opportunity to the applicant while considering a request for issuance or renewal of license. The said provision also prescribes recording of evidence and assigning reasons while passing such orders. According to him no notice was issued by the District Deputy Registrar before passing the impugned orders and hence the said orders being passed in violation of principles of natural justice are liable to be set aside.

4. The learned Assistant Government Pleaders in support of the impugned orders submit that the Assistant Registrar had given due opportunity to the petitioners which is reflected in the impugned orders. Since the petitioners did not submit requisite documents the impugned orders came to be passed. Moreover, it was necessary to avail the statutory remedy prescribed. Hence no interference with the impugned orders is called for.

5. Perusal of the documents on record as well as the relevant provisions indicate that after an application for grant of license is made it is required to be considered under Section 8 of the said Act. The grounds on which such license can be issued are specified in Section 8(1) of the said Act. However, before refusing such license the District Deputy Registrar under Section 8(2) of the said Act is required to give reasonable opportunity to place on record documents in support of the application. The impugned orders indicate that except a notice given by the Assistant Registrar there is no notice issued by the District Deputy Registrar as contemplated by Section 8(2) of the said Act. It is thus clear that the impugned orders have been passed without complying with the requirements of Section 8(2) of the said Act. In the light of this position it is not found necessary to relegate the petitioners to follow the statutory remedy. Instead the Authorities can be directed to reconsider the request for renewal of the money lending License by following the

prescribed procedure.

6. Hence for aforesaid reasons the orders dated 18/11/2019 passed by the respondent No.1 in both the writ petitions are set aside. The respondents are directed to reconsider the applications for renewal of the money lending Licenses. To enable such consideration both the petitioners shall appear before the District Deputy Registrar, Cooperative Society, Gondia on 30/12/2019. The necessary decision be taken by complying with the requirements of Section 8 of the said Act. All points at the instance of both the parties are kept open.

The Writ Petitions are allowed in aforesaid terms with no order as to costs. Rule is made absolute accordingly.

JUDGE