

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 2213 OF 2020

Rajhans Tours and Travels, Aurangabad

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.B.Choure, advocate for the petitioner.
Mr.A.S.Shinde, AGP for Respondents No.1 & 2.

CORAM : ROHIT B. DEO, J.

DATE : 12th February, 2020.

P.C. :

1 The petitioner preferred an appeal purportedly under the provisions of Section 152 of the Maharashtra Co-Operative Societies Act, 1960 ("the Act"), challenging the notice dated 11.02.2019, whereby the property of the petitioner was sought to be attached for recovery of Rs.17,60,487/-.

2 It is an admitted position that the basic order of issuance of Recovery Certificate under Section 101 of the Act is not challenged. The petitioner contends that the order under Section 101 of the Act was not challenged since the said order was passed *ex parte*.

3 The appeal memo was treated as Revision and by an order dated 16.12.2019, the appeal is dismissed.

4 I am satisfied that the petition is totally misconceived.

5 The petitioner ought to have challenged the Recovery Certificate issued under Section 101 of the Act, which the petitioner has not done till date. The petitioner cannot be permitted to challenge the attachment order on the specious plea that the Recovery Certificate is issued *ex parte*. Even if it is assumed for a moment that the Recovery Certificate was issued *ex parte*, nonetheless, the same would have to be set aside in appropriate proceedings.

6 Petition is dismissed.

ROHIT B. DEO
JUDGE

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