

M/s.Shehnai Banquets and Anr.	...	Petitioners
versus		
Mr.Bhalchandra N. Raut	...	Respondent

Anand Sitap i/b Jamshed Ansari for the
Petitioners.

CORAM :- SMT.BHARATI DANGRE, J.

DATE :- FEBRUARY 26, 2020

P.C. :-

1. The learned advocate for the petitioners makes a statement that he has returned the papers of the contempt petition to the petitioners and no longer represents them. The said statement is accepted. The learned counsel is discharged from the onus of representing the petitioners in the present contempt petition.

2. The contempt petition is of the year 2016. On its perusal, it is apparent that petitioner No.1 is a proprietary concern of petitioner No.2 and the disobedience is alleged of an order passed by the Divisional Joint Registrar on 21st December, 2015. On the said date, during the course of hearing before the Divisional Joint Registrar, the applicant had made a categorical statement that he

intends to settle the matter by submitting a proposal to the respondent-Bank. In the light of the said proposal being made, the bank was directed to extend the auction procedure and the applicant was directed to submit his proposal within one week. The matter was thereafter posted on 14th January, 2016.

3. What emerges from the contempt petition is that the petitioner has obtained a loan from Maratha Sahakari Bank Limited and thus, bank had instituted a recovery case before the Deputy Registrar for issuance of Recovery Certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960. In pursuance of the Recovery Certificate, a Demand Notice was issued and the property of the petitioners was put up for auction. In this backdrop, when the petitioners came up with proposal for settlement, the Divisional Joint Registrar directed postponement of the auction. However, it was surely not an intention to postpone the auction process indefinitely. The petitioners have made a statement in the contempt petition that inspite of the said order passed, an auction notice has been issued on 28th December, 2016. The petitioners are in a presumption that there was a stay granted from the proceedings, which fact is not correct. It appears that since the settlement did not work out between the parties, the property was put to auction and the sale notice came

to be issued. It cannot be said that there is any disobedience/violation of the order passed by this Divisional Joint Registrar and in any case, the petitioners are bound by the order of the Recovery Officer since the amount undisputedly was due from the petitioners. In such circumstances, the contempt petition is dismissed.

(SMT.BHARATI DANGRE, J.)