

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 3242 OF 2020

Manharlal Trikamdas Mody & anr. ...Petitioners

Versus

State of Maharashtra & ors. ...Respondents

Mr. Anupam Surve, a/w V. S. Vengurlekar, i/b Nair
Vengurlekar & Co., for the Petitioners.

Mr. N. C. Walimbe, AGP for the State/Respondent nos.1 & 3.

Mr. Yashodhan Divekar, a/w Yash Kataria, i/b M/s. Divekar &
Co., for Respondent no.4.

CORAM: N. J. JAMADAR, J.

DATED : 13th MARCH, 2020

PC:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order passed by the Assistant Registrar on 16th May, 2008, whereby a certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1961 came to be granted and an order dated 18th December, 2019 levying a demand in terms of the said certificate and the notices of attachment issued on 9th January, 2020 and 22nd January, 2020.
3. The learned Counsel for the petitioner submits that the orders have been passed without providing an effective opportunity of hearing.

4. Indisputably, against an order granting the recovery certificate under Section 101 of the Act, statutory remedy is available under Section 154 of the Act. Sub-section (2A) of Section 154 of the Act contains an interdict against entertaining the revision by the authority unless statutory deposit is made. Furthermore, a person aggrieved by an order of attachment has his remedies under Rule 107(18) of the Maharashtra Co-operative Societies Rule, 1962.

5. In the circumstances, there is no justifiable reason to exercise the extra-ordinary writ jurisdiction.

6. Hence the petition stands dismissed.

[N. J. JAMADAR, J.]