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Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 579 OF 2020

Mohammad Khalid Mohammed Shibli shaikh Petitioner.

V/s

Shivkrupa Sahakari Path Pedi

Through Chairman / Manager & Ors. Respondents.

WITH

WRIT PETITION NO.580 OF 2020

Mohammad Shibli Manjurul Hasan Sheikh Petitioner.

V/s

Shivkrupa Sahakari Path Pedi

Through Chairman / Manager & Ors. Respondents.

WITH

WRIT PETITION NO.581 OF 2020

Mohammad Shibli Mojahid Manjurul Hasan Petitioner.

V/s

Shivkrupa Sahakari Path Pedi

Through Chairman / Manager & Ors. Respondents.

Mr. Vinod P. Sangvikar a/w Mrs. Shakuntala Sanvikar for the
Petitioner in all Petitions.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 06, 2020.

P.C.:-

1] Since all these three Petitions contain similar issues, by consent
same are disposed of by this common order. For the sake of

convenience facts in Writ Petition No.579 of 2020 are taken for consideration.

2] These Petitions question the Recovery Certificate issued under Section 101 of the Maharashtra Co-operative Societies Act which was confirmed in Revision under Section 154B. Both these orders are sought to be assailed by the Petitioner on the ground that there is non-compliance of provisions of Rule 86-F of the relevant Rules which are framed so as to regulate the recovery proceedings initiated under Section 101 of the Maharashtra Co-operative Societies Act. The learned Counsel for the Petitioner has invited attention of this Court to the letter dated 11/11/2019, seeking copies of documents which, according to him, were not supplied to him.

3] If we consider aforesaid submissions of the learned Counsel for the Petitioner, what is noticed is, Recovery Certificate was issued in favour of the Respondent Credit-Co-operative Society vide Certificate dated 31/3/2018, whereas the Petitioner has sought documents from the authority on 11/11/2019 i.e. after the issuance of Recovery Certificate. It is also required to be observed that the letter which is

relied upon by the Petitioner i.e. dated 11/11/2019 does not appear to be under the signature of the Petitioner. As such, there is no denial of opportunity.

4] Apart from above, the order passed under Section 154 of the Maharashtra Co-operative Societies Act reflects that the Petitioner has accepted its liability and he was given an appropriate opportunity of hearing and depositing the amount.

5] This Court hardly see any illegality which warrants consideration or which calls for interference in the extraordinary jurisdiction. Petitions as such fail and stand dismissed.

6] Needless to observe that it is always open for the Petitioner to approach the Respondent Credit-Co-operative Society for repayment of the amount as is determined under the Recovery Certificate through installments which the Respondent may consider in accordance with law.

(NITIN W. SAMBRE, J.)