

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4357 OF 2020
IN
WRIT PETITION NO.12255 OF 2015**

K.D.R. Farms Co-op.
Housing Society Ltd.
and anr.

..Applicants

Vs.

The State of Maharashtra
and ors.

..Respondents

Mr.S.P.Brahme, Advocate for applicants

Mr.A.R.Kale, AGP for respondent nos.1 to 4

Mr.S.S.Thombre, Advocate for respondent no.5

Mr.Rajendra Deshmukh, Senior Advocate h/f. Mr.Devang
Deshmukh, Advocate for respondent no.9

CORAM : R.G. AVACHAT, J.

DATE : JANUARY 19, 2021

ORDER :-

The applicants seek permission to operate bank account with Saraswat Bank, CIDCO branch, Aurangabad, of applicant no.1.

2. Mr.Thombre, learned counsel for respondent no.5, would submit that applicant no.1 is a co-operative housing

society. Its registration has been cancelled. The applicants are, therefore, debarred from doing any business in the name of applicant no.1. They even cannot operate the bank account. On behalf of applicant no.1, an undertaking had been given in a Contempt Petition to the effect that till final decision of Writ Petition No.12255 of 2012, name of applicant no.1 shall not be used and no business or activities shall be conducted in the said name. He submits that the applicants ought to have moved this application in Contempt Petition. There is no even whisper in the application about undertaking given in the Contempt Petition. There is also no reference as regards *status-quo* order to have been in operation. Mr.Thombre, learned counsel for respondent no.5, therefore, urged for rejection of the application.

3. My attention is drawn to paragraphs 16 and 19 of the order passed in Contempt Petition No.97 of 2019 in Writ Petition No.12255 of 2015. The contempt petition has been disposed of. The order of *status-quo* has been interpreted to mean that the office bearers of the society would continue to

operate the society's business as was being operated on the day and before passing of the order of *status-quo*. Applicant no.1 is a housing society. It has a bank account with Saraswat Bank, CIDCO branch, Aurangabad. A sum of around Rs.1,25,000/- stands to credit in the said account. Learned counsel for the applicants further submits that the employees of the society need to be paid their monthly salary. The amount is to be disbursed to the employees of applicant no.1. It is also informed that now affairs of the society are being managed by directing the members to pay the maintenance amount in another bank account.

4. Since the employees of applicant no.1 are to be paid their salary and amount to be withdrawn from the bank account is not more than 1,25,000/-, the applicants are permitted to operate the bank account only once so that they can disburse salary of the employees. Applicant no.2 shall give a security in the sum of Rs.1,25,000/- with an undertaking that the amount would be returned to the society, if so directed in Writ Petition No.12255 of 2015.

5. The Civil Application stands disposed of accordingly.

6. After passing of this order, Mr.Thombre, learned counsel for respondent no.5, prays for grant of stay for sometime.

7. Considering the nature of controversy involved, I am not inclined to accede to the prayer made by learned counsel for respondent no.5 for stay of this order.

[R.G. AVACHAT, J.]

KBP