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

**INTERIM APPLICATION NO. 3576 OF 2020
(INTERIM APPLICATION NO. 2 OF 2020)**

**IN
WRIT PETITION NO. 618 OF 2020**

SATANA AGRICULTURAL PRODUCE
MARKET COMMITTEE

..APPLICANT

IN THE MATTER BETWEEN

SATANA AGRICULTURAL PRODUCE
MARKET COMMITTEE

.. PETITIONER

vs.

THE DEPUTY REGISTRAR
COOPERATIVE SOCIETY & ORS.

..RESPONDENTS

Mr. P.N. Joshi for the applicant/petitioner.

Mr. G.S.Godbole i/b. Mr. Gawde for Respondents.

Mrs.M.S. Bane, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : JANUARY 19, 2021

P.C.:-

Heard learned counsel for the applicant.

2. The present application is filed for the following reliefs :

“a. That pending the hearing and final disposal of the above Writ Petition as well as Interim Application No.1 of 2020, the Respondents be directed to unfreeze the accounts and allow the Applicant to utilize the various Fixed Deposit amounts lying in

Bank of India as well as Satana Merchant Cooperative Bank, Satana as detailed in the para (i) (i to vi) of the present Interim Application on such terms as this Hon'ble Court may deem fit ;

b. The main prayers about the recovery of the amounts which have already been recovered, and of which the grievance has been made in Interim Application No.1 of 2020 also may kindly be considered as early as possible and/or such protection for safeguarding the said amount as indicated in the main prayers of the above Interim Application No.1 of 2020, may kindly be granted on such terms as this Hon'ble Court may deem fit."

3. Shri Joshi, learned counsel appearing on behalf of the applicant submitted that pursuant to the award of the Tribunal dated 18th March, 2019 substantial amount which is to be paid over to the Nampur Agricultural Produce Market Committee whom Shri Godbole represents, has been recovered by the Tahsildar, Satana.

4. Learned AGP appearing for the Tahsildar has filed an affidavit-in-reply saying that in terms of the award approximately an amount of Rs. 46 lakhs is yet to be recovered.

5. Shri Joshi submits that to secure the interest of Nampur Agricultural Produce Market Committee, the said amount of Rs.46

lakhs can be retained by the Bank of India. Shri Joshi further submits that the Satana Agricultural Produce Market Committee has Fixed Deposits of substantial amount much more than Rs.46 lakhs is lying to their credit.

6. Shri Godbole appearing for the Nampur Agricultural Produce Market Committee is primarily concerned with the amounts which are due and payable to the Nampur Agricultural Produce Market Committee which he says must be recovered from the applicant.

7. Considering the affidavit-in-reply of the Tahsildar, Taluka - Baglan, District - Nasik which records that Rs.46 lakhs are yet to be recovered, the interest of justice would be served if an amount of Rs. 46 lakhs is secured from the amounts lying in the Fixed Deposit accounts of the applicant in Bank of India.

8. It is therefore directed that an amount of Rs.46 lakhs be retained by the Bank of India from Account No. 081820110000183, Satana Branch, Taluka - Baglan, District - Nasik, so as to enable the Tahsildar to take further steps in the matter and secure the claim of the Nampur Agricultural Produce Market Committee. This arrangement is without prejudice to the

rights and contentions of the parties in the pending Writ Petition.

9. In this view of the matter, subject to securing the amount of Rs.46 lakhs in the Bank of India which can be appropriated by the Tahsildar for satisfying the claim of the Nampur Agricultural Produce Market Committee, the present application is allowed in terms of prayer clause (a) which reads thus :

“a. That pending the hearing and final disposal of the above Writ Petition as well as Interim Application No.1 of 2020, the Respondents be directed to unfreeze the accounts and allow the Applicant to utilize the various Fixed Deposit amounts lying in Bank of India as well as Satana Merchant Cooperative Bank, Satana as detailed in the para (i) (i to vi) of the present Interim Application on such terms as this Hon’ble Court may deem fit ;

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10. The application is disposed of accordingly.

(M.S.KARNIK, J.)