

PMB

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

WRIT PETITION NO.4672 OF 2021

Ganesh Shashikant Puralkar .. Petitioner
 VS.
 District Deputy Registrar, Co-operative
 Societies, Mumbai Division and ors. .. Respondents

 Mr. Pramod G. Kathane a/w Mr. Manoj G. Sawardekar for the
 Petitioner.

Smt. Madhubala Kajale, 'B' Panel Counsel for the State-Respondent
 Nos.1 and 2.

Mr. Harish R. Pawar for Respondent No.4.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 25, 2021

P.C.

Not on board. Taken on board.

2. Heard learned counsel for the parties.
3. The order under challenge in this Petition is passed by the District Deputy Registrar under Section 154(1) of the Maharashtra Co-operative Societies Act, 1960 in Revision proceedings. Both the parties submit that there are some discrepancies in the calculations. It is the contention of learned counsel for the Petitioner that he has not been given the credit of the amounts paid by him towards the satisfaction of the loan amount. Even learned counsel for the Respondent-Credit Society submits that 50% amount has not been correctly calculated by the District Deputy Registrar.

4. Be that as it may, as it is the contention of both the parties that there is an error in the calculation and the issue needs to be re-examined, the impugned order deserves to be set aside and is accordingly set aside by consent.

5. The District Deputy Registrar to decide the Revision afresh on its own merits and in accordance with law. Without prejudice to the rights and contentions, learned counsel for the Petitioner submits that he will deposit a sum of Rs.10 lakhs with the Respondent-Credit Society within a period of six weeks from today. The statement is accepted. Parties to appear before the District Deputy Registrar on 03.09.2021 at 11.00 a.m. The District Deputy Registrar is requested to decide the Revision on its own merits expeditiously after the amount of Rs.10 lakhs is deposited by the Petitioner within the time stipulated. It is made clear that if the amount is not deposited, the Respondent-Credit Society may proceed with the execution of the Section 101 certificate.

6. All contentions are kept open.

7. The Writ Petition is disposed of.

(M.S.KARNIK, J.)