

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

914 WRIT PETITION NO. 3384 OF 2022

**BHOOM TALUKA CO-OPERATIVE DUDH UTPADAK VA
PURVATHA SANGH LTD.**

VERSUS

THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the petitioner : Mr.V.A.Bagal

AGP for Respondent-State : Mr.S.G.Karlekar

Advocate for Respondent nos.2 and 3 : Mr.N.K.Chaudhari

...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 10.03.2022

P.C. :

1] The orders passed by the Provident Fund Authorities are assailed, so also, the petitioner seeks release of the account.

2] Mr.Bagal, learned counsel for the petitioner submits that the petitioner is ready to pay amount due and payable to the Provident Fund Department. The petitioner is contemplating auction of its property. The value of the said property is about Rs.3,37,00,000/- and odd. The petitioner has given an undertaking that the petitioner will pay approximately remaining balance of Rs.6,50,000/- to the Provident Fund Department.

3] Mr. Chaudhari, learned counsel for respondent nos. 2 and 3 submits that the Provident Fund has first charge to recover the amount from the petitioner and therefore it is necessary to first clear the dues of the Provident Fund Authority from the sale proceeds.

4] Learned AGP appears for respondent no.1.

5] We had asked the petitioner as to how much amount is lying in the Bank Account of the petitioner. The learned counsel submits that, an amount of Rs. 40,000/- is in the bank account, which is freezed. The petitioner is contemplating sale of the property as contended by the petitioner. In that event, the account will have to be operated. The interest of justice would be subserved by passing following order :

ORDER

The respondents shall release the account of the petitioner and the petitioner shall abide by the following conditions :

i] The petitioner may take steps for sale of its property. The petitioner shall put clause in the tender inviting offers that an amount is due and payable of the Provident Fund Department and the successful bidder will

have to issue cheque of the amount due and payable towards the Provident Fund Department before entering into the instrument of sale and the said amount would be deducted while making payment to the petitioner from the sale proceeds.

ii] The tender shall be issued preferably within two months.

iii] In case the petitioner fails to successfully sell the property, then the Provident Fund Department is entitled to take further course of action.

iv] Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC