

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

101 WRIT PETITION NO.9841 OF 2022

GOPAL JEWELLERS THROUGH ITS PROPRIETOR KADAM BORADE PATIL
GOPAL (GOPAL BHAUSAHEBKADAM BORADE PATIL
VERSUS
THE ASSISTANT REGISTRAR CO-OPERATIVE SOCIETIES AND OTHERS

...
Advocate for Petitioner : Mr. G. L. Deshpande
AGP for Respondents-State : Mr. S. K. Tambe
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 27th September, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'C' and 'D' as under :-

(C) And the notice dated 04/07/2022 under rule 107 (11) (D 1) Maharashtra State Cooperatives Act issued by respondent no.2 may kindly be quashed and set aside and declare unenforceable and un-executable.

(D) It be declared that the certificate order under section 101 Maharashtra State Co-operatives Act issued by respondent no.1 dated 3112/2021 is violative of principals of natural justice.

2. The petitioner has apparently bypassed the provisions of Maharashtra Co-operative Societies Act, more particularly Section 154.

The petitioner has not challenged Section 101 certificate before the Revisional Authority under Section 154, apparently on account of Sub-section 2 which mandates depositing 50 % of the amount as is recoverable pursuant to the recovery certificate under Section 101. Prayer Clause 'D' clearly indicates that the petitioner desires to challenge Section 101 certificate before this Court. The petitioner has a statutory remedy available. Approaching this Court under Article 226 of the Constitution is not the remedy with reference to Section 101 of the Maharashtra Co-operative Societies Act.

3. In view of the above and taking into account that the amount recoverable from the petitioner as on 01/09/2019 was Rs.37,11,839/- and which has now reached the figure of Rs.60,84,412/- as on 03/08/2022, in the light of the loan agreement between the petitioner and the Bank, this petition is disposed off with liberty to the petitioner to approach the Revisional Authority under Section 154 of the Maharashtra Co-operative Societies Act, 1960.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

gawade/-.