

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1041 OF 2022

Krishnakant Suresh Baviskar & Anr. .. Petitioners

Versus

District Dy.Registrar, Co-Operative

Societies & Ors. .. Respondents

...

Mr.Akhil Kupade i/b Manoj Harit & Co. for the Petitioners.

Mr.A.P.Vanarse, AGP for the State/Respondent.

...

CORAM: RAVINDRA V. GHUGE, J.

DATED : 04th FEBRUARY, 2022

P.C:-

1. This matter was heard on 03/02/2022 as well as today.

2. It needs mention that Shri Vanarse, the learned AGP, has graciously taken great efforts in contacting respondent No.1, collecting the necessary instructions and has also got an affidavit-in-reply dated 04/02/2022 on behalf of respondent No.1 through Mrs.Prerana Ramesh Shivdas, Assistant Registrar, Co-Operative Societies, Nashik, the authorised representative of the District Deputy Registrar, Co-Operative Societies.

3. The petitioners are the respondents/borrowers before that District Deputy Registrar, Co-Operative Societies, in the

pending proceedings. The hearing for fixation of upset/offset price commenced on 13/03/2020.

4. 11 hearings were convened. Sufficient gap between the two hearings was granted. Twenty-one months have been consumed. Yet, on 14/12/2021, the petitioners sought an adjournment. It is in these circumstances that the proceedings were closed.

5. Notwithstanding the strenuous submissions of the learned Advocate for the petitioners on the basis of the grounds formulated in the memo of the petition, I do find that respondent No.1 was justified in closing the proceedings. However, the only issue that I find from the roznama is that neither on 09/11/2021 had any of the contesting parties advanced their oral submissions nor on 14/12/2021, the oral submissions were put forth.

6. In the light of the above, the learned AGP rightly submits that if the petitioners are to be granted any further opportunity of hearing, the same should be subject to imposition of costs, to be deposited with respondent No.1 and respondent No.2-bank will also have to be given an opportunity to address respondent No.1 and submit written notes of submissions.

7. Considering the above, I am disposing off this petition, without issuing notice to respondent No.2, as the interest of respondent No.2 will be very well taken care of in the directions as follows :-

- (a) Respondent No.1 shall issue notice to respondent No.2 by an e-mail as well as a hard copy, indicating that the hearing would be arranged on 21/02/2022 at 2.00 p.m. in the office of respondent No.1.
- (b) The petitioners shall appear on the said date and time before respondent No.1, treating this to be a notice.
- (c) The petitioners as well as respondent No.2 would be at liberty to advance oral submissions before respondent No.1 and also tender written notes of submissions alongwith case-law, if any.
- (d) After closing the matter upon hearing the parties on 21/02/2022, respondent No.1 would deliver an order on 09/03/2022 at 4.00 p.m.
- (e) The litigating parties would remain present on the date and and time for the pronouncement of the order.
- (f) Respondent No.1 shall keep copies of the order ready so as to be delivered to the litigating parties, on payment of requisite fees, if any.
- (g) It be noted that if the petitioners, for any reason whatsoever, do not participate in the hearing on 21/02/2022, respondent No.1 would close the matter for delivering his order after hearing respondent No.2.

(h) The petitioners shall deposit an amount of Rs.2,500/- each with respondent No.1 on the date when they appear i.e. 21/02/2022.

8. This writ petition is disposed off.

(RAVINDRA V. GHUGE, J.)