

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

52 WRIT PETITION NO.2174 OF 2023

Gopal Jewellers
Through its Proprietor
Kadam Borade Patil Gopal
(Gopal Bhausahab Kadam-Borade (Patil))

...PETITIONER

VERSUS

1. The State of Maharashtra through
Co-operative Department, Mantralaya,
Mumbai
 2. The Secretary Co-operative Department,
Mantralaya, Mumbai
 3. The Divisional Joint Registrar,
Co-operative Societies, Latur Division,
Latur, Cold Collector Office, Shivaji Chowk,
Latur
 4. The Assistant Registrar Cooperative Societies,
Latur, at Latur
 5. Special Recovery Officer,
Maharashtra Nagri Sahakari Bank Ltd. Latur
IInd Floor, Market Yard, Kava Road, Latur
 6. The Branch Manager,
Maharashtra Nagri Sahakari Bank Maryadit,
Head Office, Market Yard, Kava Road, Latur
- ...RESPONDENTS**

Mr. Gaurav L. Deshpande, Advocate for the petitioner
Mr. S. S. Deshmukh, Advocate for the respondent Nos. 3 to 6
Mr. S. B. Pulkundwar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 09th AUGUST, 2023

P. C.

1. Learned advocate for the petitioner at the outset seeks leave to delete the prayer clause-D. Leave is granted.

2. The dispute in this petition is only as regards the amount to be deposited in view of Section 154(2A) of the Maharashtra Co-operative Societies Act while preferring the revision against the recovery certificate issued under Section 101 of the MCS Act.

3. The submission of the petitioner is that after his writ petition came to be dismissed with liberty to approach the learned Divisional Joint Registrar he deposited Rs.20 lakhs taking the calculations as per the certificate for Rs.37,11,839/-. He also sought permission to deposit the said amount as per his calculation. The learned Divisional Joint Registrar however rejected the application stating that it is not the amount of

recoverable dues as on the date of filing the revision.

4. Learned advocate for the petitioner submits that calculations done by the bank is much on the higher side. The bank could not have charged the interest on the said amount at the rate of more than 15.5+2% as the same is mentioned in the recovery certificate issued by the Assistant Registrar.

5. This court finds that there is some substance in the submission. The petitioner as well as the bank therefore, submit their calculations. The learned Divisional Joint Registrar to satisfy itself about the correct figure and to allow the petitioner to deposit 50% of the said amount. The amount decided by the learned Divisional Joint Registrar as per the said calculations shall be final and the parties shall not dispute the same.

6. The learned Divisional Joint Registrar is thus to apply his mind. Said exercise be done within two weeks.

7. The parties to approach the learned Divisional Joint Registrar on 17-08-2023.

8. The petitioner will be bound by the amount determined by the learned Divisional Joint Registrar to deposit the same within one week thereafter.

9. With this, petition stands disposed off.

[KISHORE C. SANT, J.]

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