

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

56 WRIT PETITION NO. 3861 OF 2022

IFTHEKAR S/O. MOHD. RAFIQ SHAIKH
VERSUS
THE ASSISTANT REGISTRAR, CO-OPERATIVE
SOCIETIES & OTHERS.

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Advocate for the petitioner : Mr.A.S.Gandhi
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.3 : Mr.A.N.Sikchi

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.09.2023

P.C. :

1] The present Writ Petition is filed against the order dismissing the revision petition challenging the certificate issued under Section 101 of the Maharashtra Co-operative Societies Act.

2] The revision is dismissed as the petitioner failed to deposit 50% of the recoverable amount at the time of filing of revision.

3] This Court by order dated 25th March, 2023 has granted ad-interim relief in favour of the petitioner subject

to deposit of 25% amount of the recovery certificate in this Court within a period of four weeks. The amount deposited by the petitioner in this Court has been withdrawn by the respondent Bank.

4] The learned counsel appearing for the respondent Bank submits that the amount deposited in this Court does not come to Rs.25% of the recovery certificate.

5] Be that as it may, it would be more appropriate that the revision petition stands restored and the petitioner is directed to deposit balance amount before the Revisional Court within eight weeks from today. On deposit, the said Revision Petition is directed to be decided on merits.

6] The amount deposited in this Court and withdrawn by the respondent Bank would also to be computed while calculating the amount of 50% required to be deposited to entertain revision petition. The Revisional Court would determine what is the recoverable amount as of today against the certificate.

7] In the event, the petitioner does not deposit the aforesaid amount, the Bank would be at liberty to proceed against the petitioner.

8] The learned counsel for the respondent Bank submits that as of today, Rs.2.5 crores is due against the petitioner. However, the Revisional Authority to consider the claim of the petitioner and then pass appropriate order on deposit of 50% amount.

9] Writ Petition is disposed off with above directions.

10] In view of disposal of the Writ Petition, pending Civil Application, if any, stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC