

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8501 OF 2023

Ameen Hyder Sayyed and Ors.

Versus

The Special Recovery Officer and Ors.

...

Advocate for the Petitioners : Mr. Kingre Gajanan B.

AGP for Respondents/State : Mr. K.B.Jadhavar.

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CORAM : KISHORE C. SANT, J.

DATE : 17.07.2023.

PER COURT :

1. Heard the learned Advocates for the parties. In spite of several requests by this Court to the learned Advocate for the Petitioners to restrict his arguments only to the extent of making a statement as to whether his client is ready to deposit Rs. 24,00,000/-, i.e. 50% of the total outstanding amount, however, the learned Advocate urged that this Court to hear the matter on merits.

2. This Court finds that the challenge in this petition is to the recovery certificate under Section 101 of the Maharashtra

Co-Operative Societies Act. The grievance of the learned Advocate for the petitioner is that though he has approached to the learned Divisional Joint Registrar, challenging the order, his grievance is not being entertained for not depositing the amount. He repeatedly kept on telling the Court that his client will deposit Rs. 5,00,000/- only. When as per the respondents the amount outstanding is more than 48,00,000/- & some odd.

3. The learned Advocate for the petitioner, however, still insists that this Court should look in to the merits, how the interest is wrongly calculated and how the order is passed in the illegal manner. This Court finds that this Writ Petition cannot be entertained and therefore, the petition is dismissed with costs of Rs. 10,000/- (Rs. Ten Thousand), to be paid to the Library of the Government Pleader's Office, High Court, Bench at Aurangabad.

(KISHORE C. SANT)
JUDGE

mahajansb/