

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

32 WRIT PETITION NO.5246 OF 2019

1. Pradnya Vijayrao Oturkar, **...PETITIONERS**
Through GPA Holder
Vijayrao Madhukar Oturkar

2. Vijayrao Madhukar Oturkar,

VERSUS

1. The State of Maharashtra **...RESPONDENTS**
Through the Secretary of
Maharashtra Cooperative Department,
Mantralaya, Mumbai-32

2. The Divisional Joint Registrar,
Cooperative Societies, Nashik Division,
Nashik, Dist. Nashik

3. The Assistant Registrar,
Cooperative Societies, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar

4. Manjur Vibhag Gramin Bigar Sheti
Sahakari Patsanstha Maryadit,
Manjur, Tq. Kopargaon, Dist. Ahmednagar
Through its Chairman

5. The Special Recovery Officer,
Manjur Vibhag Grami Bigar Sheti
Sahakari Patsanstha Maryadit,
Manjur, Tq. Kopargaon, Dist. Ahmednagar

Mrs. P. G. Sontakke, Advocate for the petitioners
Mr. B. A. Shinde, Advocate for the respondent Nos. 4
Mr. S. B. Pulkundwar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 06th JULY, 2023

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1. Heard.

2. The petition is against the order passed by the learned Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik thereby refusing to entertain the revision application before it for none depositing of 50% amount of the recoverable amount as required under Section 154 (2A) of the Maharashtra Cooperative Societies Act, 1960.

3. Learned advocate for the petitioners submits that in fact the petitioners have deposited more than due amount in the society-respondent No.4 and same is not considered by the society. The Assistant Registrar, Cooperative Societies, Kopergaon also did not consider the said aspect and has issued

the recovery certificate for an amount of Rs.86,035/-. She further submits that unless exact amount is calculated the petitioners would not be in a position to deposit 50% of the said amount.

4. This court finds that authorities can certainly determine as to how much amount as on today i.e. to be recovered as per the certificate under Section 101. For that purpose this petition need not be kept pending. This court does not find any perversity, illegality in the impugned order. The petition, therefore stands disposed off.

5. The authorities are directed to entertain the revision, if the petitioner approaches the Divisional Joint Registrar, Co-operative Societies by depositing 50% of the recoverable amount.

6. Needless to say that Divisional Joint Registrar, Cooperative Societies, Nashik Division, Nashik shall consider the

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time consumed in prosecuting this petition as well as earlier petition No.9713/2014 while considering the application for condonation of delay, if any.

7. Amount of Rs.40,000/- deposited in this court pursuant to the order dated 02-05-2019 will be considered while entertaining the revision application as a condition as per section 154(2A). The amount deposited in this court be transferred to the account of respondent-bank.

[KISHORE C. SANT, J.]

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