

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5581 OF 2023

Sanjiv H. Sharma

.... Petitioner

versus

Anubandhan Co-op Housing
Society Ltd. & Ors.

.... Respondents

**WITH
WRIT PETITION NO.5583 OF 2023**

Sandesh Thakur

.... Petitioner

versus

Anubandhan Co-op Housing
Society Ltd. & Ors.

.... Respondents

**WITH
WRIT PETITION NO.5582 OF 2023**

Balan D. Panikar

.... Petitioner

versus

Anubandhan Co-op Housing
Society Ltd. & Ors.

.... Respondents

**WITH
WRIT PETITION NO.5670 OF 2023**

Shekhar Jambure

.... Petitioner

versus

Nesarikar

Anubandhan Co-op Housing
Society Ltd. & Ors.

.... Respondents

.....

- Mr. Karl Tamboly a/w Mr. Dharmesh Joshi a/w Ms. Surpiya Harugade a/w Mr. Imran Khan, Advocate for Petitioner in all WPs.
- Mr. S. H. Kankal, AGP for Respondent No.2 in all WPs.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th APRIL 2023

P.C. :

1. Heard Mr. Karl Tamboly, learned counsel for the Petitioner and Mr. S. H. Kankal, learned AGP for the Respondent No.2.

2. The Petitioners in all these Petitions are members of the Respondent No.1 society. The Respondent No.2 i.e. the Joint Divisional Registrar, CIDCO, Mumbai, issued Recovery Certificate dated 09/01/2023 for various amounts against the Petitioners. In March 2023, the Respondent No.3 i.e. the Special Recovery Officer had issued the notice for recovery of the dues. The Petitioners' case and grievance is that they have already

challenged the order issuing the Recovery Certificate dated 09/01/2023 by approaching the State Government u/s 154 of the Maharashtra Co-operative Societies Act, 1960 (MCS Act), by way of Revision Application which is the statutory remedy provided to them. All the Petitioners have preferred their respective Revision Application on 23/01/2023 along with the stay application. However, till today, neither the stay application nor the main Revision Applications are decided by the State Government. Learned AGP on instructions states that all these Revision Applications are posted for hearing on 03/05/2023. He further stated that the Petitioners are required to comply with the sub-section 2A of section 154 of the MCS Act and they are required to deposit 50% of the dues. He submitted that section 154B-29 is specifically mentioned in sub-section 2A of section 154 of the MCS Act.

3. Learned counsel for the Petitioner submitted that they will make their submissions as to why the amount is not required to be deposited before the Revisional Authority, when

their Revision Applications are considered and if the revisional authority deems it necessary, the Petitioners shall deposit half of the dues as required u/s 154(2A) of the MCS Act.

4. Considering that all these questions are pending before the revisional authority, it would be appropriate if the revisional authority i.e. the State Government is directed to decide these Revision Applications at the earliest and in any case within a period of four weeks from today. Strictly in view of the statement made by learned counsel for the Petitioner that the Petitioners shall deposit half of the dues if so directed by the revisional authority, the authorities shall not take coercive steps against the Petitioners till the Revision Applications are decided and for a further period of three weeks thereafter if any order adverse to the Petitioners' interest is passed in the said Revision Applications.

5. With these observations, the Petitions are disposed of.

(SARANG V. KOTWAL, J.)