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

WRIT PETITION NO.12308 OF 2019

Prathamesh Apartment CHS Ltd. ...Petitioner

V/s.

Smt. Jaya Rajan Patole & ...Respondents
State of Maharashtra

Mr. Dhananjay C. Pathak for Petitioner.

Mr. Manoj A. Patil for Respondent No.1

Smt. V.S. Nimbalkar, AGP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATE: 16th October 2023

P.C.:

1. Heard Mr. Dhananjay Pathak, learned Counsel appearing for the Petitioner, Mr. Patil, learned Counsel appearing for Respondent No. 1 and learned AGP for Respondent No.2.

2. The impugned orders in the present Writ Petition are order dated 7th December 2017 passed by the Joint Registrar, Co-operative Societies (East and West Suburbs), Slum Rehabilitation Authority, Mumbai as well as order dated 11th January 2019 passed by the Hon'ble Minister for Co-operation, Maharashtra State.

3. By the impugned order dated 7th December 2017, membership of the Petitioner-Society has been granted to Respondent No. 1 and the said order has been confirmed by the order dated 11th January 2019. It is the contention of learned Counsel appearing for the Petitioner that there are certain arrears of maintenance charges. However, Mr. Patil, learned Counsel appearing for the Petitioner states that the Petitioner has already deposited substantial amount with the Petitioner-Society in terms of order dated 19th September 2022 passed in this Writ Petition.

4. In the impugned orders, it is observed that the issue of arrears of maintenance and granting membership are totally different aspect and as far as arrears of maintenance are concerned, Society can take action under Section 101 of the Maharashtra Co-operative Societies Act, 1960.

5. It is the contention of Mr. Patil, learned Counsel appearing for the Petitioner that in fact the arrears were there as membership was not granted and therefore, the Respondent No. 1 is not at fault. He submits that therefore, the Petitioner should not levy exorbitant interest of 21% and the Respondent No. 1 is ready and willing to pay interest @8%. However, the said dispute cannot be decided in the present proceedings.

6. It is open for the Petitioner to consider the said request of the Respondent No. 1 in the general body meeting and if the dispute is not resolved and it is also open for the Petitioner-Society to take action under Section 101 of the Maharashtra Co-operative Societies Act.

7. In any case, nothing is pointed out by the learned Counsel appearing for the Petitioner to indicate that the impugned orders granting membership to the Respondent No.1 is not in accordance with law

8. Accordingly, the Writ Petition is dismissed by confirming the impugned orders, however, subject to above.

(MADHAV J. JAMDAR, J.)