

Arjun

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

WRIT PETITION NO.10966 OF 2023

Nikhil Bhanudas Shelar & Ors.

...Petitioners

V/s.

Shivkrupa Co-operative
Credit Society Ltd. & Ors.

...Respondents

Mr. Induprakash Tripathi i/b C. K. Tripathi, for the Petitioners.

Mr. B. V. Samant, for Respondent Nos.1 & 3.

Mr. A. P. Vanarase, AGP, for the Respondent Nos.2, 4 to 6-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : SEPTEMBER 05, 2023

P.C.:

1. Heard Mr. Tripathi, learned counsel appearing for the Petitioners, Mr. Samant, learned counsel appearing for Respondent Nos.1 and 3 and Mr. Vanarase, learned AGP appearing for the Respondent Nos.2 and 4 to 6-State.

2. By the impugned order dated 3rd August 2023, the Revision filed by the Petitioners challenging the legality and validity of the impugned order issuing Recovery Certificate dated 23rd February 2019 is dismissed as the Petitioners have failed to comply with the mandatory requirement of deposit of 50% amount under the provisions of Section 154 (2-A) of the

Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "**the said Act**").

3. Learned counsel appearing for Respondent Nos.1 to 3 points out that, in fact, as the Petitioners were not complying with the said Recovery Certificate, proceedings were required to be taken for execution of the same under Rule 107 of the Maharashtra Co-operative Societies Rules, 1961 before the Collector @ District Magistrate. The Petitioners challenged that order by filing Writ Petition No.4224 of 2022 and by the order dated 13th April 2022 protection for a period of two weeks was granted to the Petitioners on the condition that, the Petitioners deposit Rs.10,00,000/- with the Respondent No.3 by 19th April 2022 and another amount of Rs.20,00,000/- within a period of two weeks. He further states that, the Petitioners have not deposited any amount as directed.

4. Mr. Tripathi, learned counsel appearing for the Petitioners states that two months period be given to comply with 50% deposit.

5. However, in this case, the Recovery Certificate is dated 23rd February 2019. The requirement under Section 154 (2-A) of the said Act is mandatory. Apart from that, the Petitioners obtained stay for two weeks on the condition of deposit and he has not complied with the said order. Accordingly, interference by this

Court under Article 226 of the Constitution of India is not warranted. Therefore, the Writ Petition is dismissed, however, with no order as to costs.

6. Accordingly, the Writ Petition is dismissed subject to above.

[MADHAV J. JAMDAR, J.]