

Arjun

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

WRIT PETITION NO.12975 OF 2023

G. K. Solutions Pvt. Ltd.

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr. A. S. Khandeparkar, Senior Advocate a/w Vaibhav Kulkarni, Rohit P. Mahadik, Rushikesh G. Bhagat, Farhan Shaikh & Saurabh Mittal i/b Vaibhav Kulkarni, for the Petitioner.

Mr. P. G. Sawant, AGP, for the Respondent-State.

Mr. Harish R. Pawar, for Respondent No.4.

CORAM : MADHAV J. JAMDAR, J.

DATED : OCTOBER 17, 2023

P.C.:

1. Heard Mr. Khandeparkar, learned senior counsel appearing for the Petitioner.

2. It is the submission of learned senior counsel appearing for the Petitioner that the Application filed under Section 154 (3A) of the Maharashtra Co-operative Societies Act, 1960 seeking waiver is not yet considered. However, the factual position on record shows that the recovery certificate is issued by the Deputy Registrar Co-operative Societies P-Division, Mumbai by the order dated 18th August 2023. The said recovery certificate is for non

payment of maintenance charges of the Society for the period of April 2012 to 31st March 2021.

3. It is the contention of Mr. Khandeparkar, learned senior counsel that the said recovery certificate includes the amount towards the property tax and said tax is directly paid by the Petitioner.

4. However, learned counsel appearing for Respondent No.4 points out the said order dated 18th August 2023, where it is specifically stated that property taxes are excluded and by excluding property taxes, the recovery certificate is issued for the huge amount of Rs.5,41,33,371/- as the Petitioner has failed to pay maintenance for about 9 years. The Petitioner is in possession of 10098 sq. ft. area and, therefore, huge maintenance is due from the Petitioner.

5. Therefore, this is not a case which warrants interference of this Court under Article 227 of the Constitution of India.

6. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]