

Anand

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

**WRIT PETITION NO. 14771 OF 2023**

Vilas Dattatraya Phalke

.Petitioner

Vs.

The District Deputy Registrar, Mumbai & ors.

.Respondents

Mr. Shripad P. Hushing, Advocate, for the Petitioner

Ms. Shakuntala Shetty i/b. M/s. Satpute & Shetty Associates,  
Advocate, for Respondent No. 3

Mr. S. D. Rayrikar, AGP, for Respondent Nos. 1, 2, 4, 5, 6 & 11 -  
State

**CORAM : MADHAV J. JAMDAR, J.**

**DATE : 12.12.2023**

**P. C.**

1. Heard Mr. Hushing, learned counsel appearing for the  
Petitioner, Ms. Shetty, learned counsel appearing for Respondent  
No. 3 & Mr. Rayrikar, learned AGP appearing for Respondent  
Nos. 1, 2, 4, 5, 6 & 11 - State.

2. By the impugned order dated 17.10.2023, the  
Revision Application filed by the Petitioner has been dismissed  
on the ground that the Petitioner has not deposited 50% of the  
recoverable dues of the Society in accordance with the Recovery  
Certificate, as contemplated under Section 154(2A) of the  
Maharashtra Co-operative Societies Act, 1960 (hereinafter

referred to as '**MCS Act**').

3. Ms. Shetty submitted that as per the Recovery Certificate, the total recoverable dues as on 16.02.2023 are Rs. 64,36,863/- and 50% of the same is Rs. 32,18,432/-. It is an admitted position that the Petitioner has deposited Rs. 26,08,140/- on 16.02.2023, Rs. 4,00,000/- on 28.04.2023, Rs. 2,40,000/- on 02.05.2023 as well as an amount of Rs. 5,00,000/- on 28.11.2023. Thus, the Petitioner has deposited with the Respondent No. 3 – Credit Society an aggregate amount of Rs. 37,48,140/- which is more than mandatory requirement of deposit of 50%.

4. Thus, it is clear that the Petitioner has complied with the mandatory requirement of Sub Section 2(A) of Section 154 of the MCS Act.

5. Accordingly, the impugned order dated 17.10.2023 is quashed & set aside. The Revision Application which the Petitioner has filed challenging the Recovery Certificate dated 21.11.2019 is restored to the file of the District Deputy Registrar, Co-operative Societies, Mumbai i. e. Respondent No. 1.

6. It is clarified that this Court has not considered the merits and all the contentions on merits are expressly kept open.

7. As Recovery Certificate is of the year 2019, the District Deputy Registrar, Co-operative Societies, Mumbai is requested to decide the Revision Application as expeditiously as possible on or before **30.04.2024**. Both the parties to appear before the District Deputy Registrar, Co-operative Societies on **15.01.2024** at 11.00 a. m..

8. The Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)