

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 117/2020

AMOL BHIMRAO KANKAL

VS

THE DIVISIONAL JOINT REGISTRAR, CO-OPERATIVE SOCIETIES, AMRAVATI & ORS.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Amale, Advocate for the petitioner
Mr. H.D. Dubey, AGP for respondent nos. 1 and 2
Mr. S.V. Kothekar with Mr. D.R. Khapre, Advocates for respondent
no. 3
Mr. A.M. Ghare, Advocate for respondent no. 5
Respondent no. 4 is served.

CORAM : A. S. KILOR, J.

DATED : 13/06/2023

Heard.

2. The order dated 26.06.2009 passed by the Divisional Joint Registrar Co-operative Societies, Amravati dismissing the revision application filed under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short the "Act of 1960") by the petitioner, challenging the Sale Certificate dated 09.02.2007 issued by the Special Recovery Officer, is under challenge in this writ petition.

3. The Divisional Joint Registrar Co-operative Societies, Amravati refused to exercise jurisdiction under Section 154 of the Act of 1960 on the ground that the compliance of Section 154(2A) of the Act of 1960 has not

been made by the petitioner by depositing 50% of the amount of the total amount recoverable.

4. The learned Counsel for the petitioner, on a specific query about the said compliance, failed to point out that the said compliance was made by the petitioner.

5. The language of Section 154 (2A) of the Act of 1960 says that unless the applicant deposits with the concerned society fifty per cent. amount of the total amount of recoverable dues, no application for revision shall be entertained. Considering, the language of Section 154(2A) of the Act of 1960 and the failure of the petitioner to comply the said provision, I do not find any error committed by the Divisional Joint Registrar Co-operative Societies, Amravati in not entertaining the revision application. Accordingly, the writ petition is **dismissed** with no order as to costs.

JUDGE