



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10671 OF 2024

Balasaheb @ Shrimant Prilhad Kakade ... **PETITIONER**

VERSUS

The Special Recovery Officer,
Lokmangal Multi State Co-operative
Society Ltd. & anr.

... **RESPONDENTS**

.....
Mr. A.S. More, Advocate for petitioner
Mrs. Kalpalata Patil Bharaswadkar, A.G.P. for State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 18th OCTOBER, 2024

ORDER :

Heard learned Advocate for the petitioner. The notice at Exhibit B, issued by the respondent No.1 shows recovery which is under challenge in this petition. The Arbitrator, exercising the powers under Section 94 of the Multi-State Co-operative Societies Act, 2002, has passed the award, quantifying the amount of Rs.7,72,825/- with interest @ 12% p.a. against the petitioner. The respondent No.1 recovery officer, by the impugned notice, called upon the petitioner to

deposit the said amount with interest @ 18% p.a. It is contended by learned Advocate for the petitioner that the respondent No.1 recovery officer has no authority to issue the impugned notice. He adverted our attention to Section 94 of the said Act and Rule 37 of the Multi-State Co-operative Societies Rules, 2002. He submits that, the petitioner is ready to deposit the amount under the award with interest accrued thereon till date with this Court and prays for stay of the impugned notice. He submits that, recently he received notice for auction of the property of the petitioner.

2. The relevant part of Section 94 of the said Act and Rule 37 of the Rules are reproduced as under :-

“94. Execution of decisions :- Every decision or order made under Section 39 or Section 40 or Section 83 or Section 99 or Section 101 shall, if not carried out, –

(a) on a certificate signed by the Central Registrar or any person authorised by him in writing in this behalf, be deemed to be a decree of a Civil Court and shall be executed in the same manner as if it were a decree of such Court and such decree shall be executed by the Central Registrar or any person authorised by him in writing in this behalf, by attachment and sale or sale without attachment of any property of the person or a multi-State co-operative society against whom the decision or

order has been made; or

(b) where the decision or order provides for the recovery of money, be executed according to law for the time being in force for the recovery of arrears of land revenue.”

3. In view of the above, issue notice to respondents returnable on 10th January 2025.

4. Till next date, subject to the petitioner depositing the entire amount under the award along with interest @ 12% p.a. till date in this Court, there shall be interim relief in terms of prayer clause C).

5. The Registrar (Judicial) shall calculate the amount and get it deposited in this Court if the petitioner comes with the amount.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-