



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5471 OF 2023**

Chaya Popat Mane

.....Petitioner

Vs.

State of Maharashtra and others

.....Respondents

Mr. Rahul Shivaji Kadam for the petitioner

Mr. P. P. Pujari, AGP for the State

Mr. Sarang Satish Aradhye a/w Ms. Gauri Velankar and Mr. Shantanu Gurav and Mr. Saarth Chordia and Shruti Kothawade for respondent nos. 3 and 4

CORAM : GAURI GODSE, J.

DATE : 23rd JANUARY 2024.

P.C.

1. This petition challenges the order dated 6th February 2023 rejecting the petitioner's application for condonation of delay in filing the Revision Application for challenging the recovery certificate dated 20th March 2020 issued under Section 101 of the The Maharashtra Co-Operative Societies Act, 1960 ("the said Act"). By the impugned order, the revisional authority has rejected the application mainly on the ground that there is no compliance of the statutory deposit as required

under Section 154(2-A) of the said Act.

2. Learned counsel for the petitioner states that pursuant to the order passed by this Court, the petitioner has already deposited an amount of Rs. 3 Lakhs in this Court. He on instructions further states that the petitioner undertakes to deposit the balance amount for compliance of the statutory requirement under Section 154 (2-A) of the said Act by depositing the amount before the revisional authority. He thus states that the petitioner be granted an opportunity of being heard on merits.

3. In view of the statement made on behalf of the petitioner, learned counsel for respondent nos. 3 and 4 submits that in the event the petitioner is ready to make compliance of the statutory requirement under Section 154(2-A) of the said Act, he may be granted an opportunity of being heard on merits before the revisional authority. Hence, the petition is disposed of by passing the following order:

ORDER

- i) The order dated 6th February 2023 passed by the Divisional Joint Registrar, Co-Operative Societies,

Pune is quashed and set aside and the Misc. Application No. 344 of 2022 for condonation of delay filed by the petitioner is allowed subject to petitioner making compliance of the statutory requirement under Section 154 (2-A) of the said Act by depositing balance amount after adjusting Rs. 3 Lakhs already deposited in this Court.

ii) The amount to be deposited within three weeks from today before the Revisional Court.

iii) Amount of Rs. 3 Lakhs deposited in this Court is directed to be transferred to the office of Divisional Joint Registrar Co-Operative Societies, Pune.

iv) On compliance under Section 154 (2-A) of the said Act, the revisional authority shall decide the Revision Application of the petitioner on merits.

4. The petition is disposed of in the above terms.

[GAURI GODSE, J.]