

AGK

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

WRIT PETITION NO.6496 OF 2022

Chetansinh Tatyasaheb Kedar

... Petitioner

V/s.

ShivajiraoBhosale Sahakari Bank
Ltd., through authorized officer
Sunita Lalasaheb Bandal & Ors.

... Respondents

Mr. Ramesh L. Majgaonkar for the petitioner.

Mr. Sarang S.Aradhya with Ms. Gauri Velankar, Mr.
Shantanu Gurav and Mr. Saarth Choradia for
respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : MARCH 19, 2024

P.C.:

- 1.** The petitioner who is a guarantor is challenging an order passed by the revisional authority confirming order passed under sub-Rule 19 of Rule 107 of the Maharashtra Cooperative Societies Rules, 1961.
- 2.** The Assistant Registrar on 14 March 2017 issued certificate under Section 101 of the Maharashtra Cooperative Societies Act, 1960 against petitioner and borrower. The said certificate has not been set aside and is in force.
- 3.** On 3 November 2018, the Special Recovery Officer attached the immovable property along with bank account of the petitioner

and borrower. The petitioner raised an objection before the Special Recovery Officer under Rule 107(19)(c). The Special Recovery Officer rejected the objection on the ground that the certificate issued against the petitioner has attained finality and, therefore, the petitioner is liable to pay the amount mentioned in the certificate. The scope of power under sub-Rule 19 of Rule 107 is to the extent of ascertaining attachment of right, title and interest of a person unconnected with the transaction or on the ground of fraud or material irregularities. In the facts of the case, no ground of fraud or material irregularity has been raised by the petitioner. Therefore, the Authorities below have rightly rejected petitioner's objection to the order of attachment passed by the Special Recovery Officer under Rule 107 of the Maharashtra Cooperative Societies Rules, 1961.

4. There is no merit in the writ petition. The writ petition accordingly stands dismissed. No costs.

(AMIT BORKAR, J.)