

AGK

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

WRIT PETITION NO.2328 OF 2016

Siddhesh TV Traders, through
Proprietor Umesh Nikam

... Petitioner

V/s.

The Liquidator of The Karad Janata
Sahakari Bank Ltd., Karad
through its Chief Executive Officer
& Ors.

... Respondents

Mr. Sachin S. Punde for the petitioner.

Mr. Prithviraj S. Gole for respondent Nos. 1 and 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 13, 2024

P.C.:

1. The writ petition challenges Judgment and Award passed by the Cooperative Appellate Court modifying the judgment of the Cooperative Court.

2. Based on material on record, both the Courts below recorded a finding that the respondent No.1/Bank disbursed an amount of Rs.10 Lac along with interest at the rate of 18% from the disbursal of the amount, i.e. 31 May 2001 till its realization. Based on such finding, the Cooperative Appellate Court directed petitioner to pay such amount and the Bank was directed to give credit to the amount deposited by the petitioner.

3. Learned advocate for the petitioner submits that there is serious dispute about payment made by the petitioner. Such issue will have to be decided by the Executing Authority which in the facts of the case is the Special Recovery Officer appointed under Section 156 of the Maharashtra Cooperative Societies Act, 1960.

4. It shall, therefore, be open for the petitioner to produce proof of payment made to the Bank as per clause (iii) of clause (2) of the operative part of the judgment or Cooperative Appellate Court. On such proof being furnished before the Special Recovery Officer, he shall adjudicate upon the dues of the petitioner as per clauses (i) to (iv) of clause 2 of the judgment of the Cooperative Appellate Court.

5. While adjudicating on this issue, the Special Recovery Officer shall grant opportunity to the petitioner to make his submissions and the Special Recovery Officer shall pass reasoned order regarding compliance of clause (2) of the judgment of the Cooperative Appellate Court.

6. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)