

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

**INTERIM APPLICATION NO.17573 OF 2023
IN
WRIT PETITION NO.8997 OF 2003**

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The Liquidation Committee
Bhudargad Nagari Sahakari
Patsanstha Ltd.

.. Applicant

IN THE MATTER BETWEEN:

Jaganath V. Dhopeswarkar & Ors.

..Petitioners

Vs.

The State of Maharashtra & Ors.

.. Respondents

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Mr. Tejesh Dande with Mr. Bharat Godhavi, Adv. Trushna Shah,
Mr. Vinayak Shelar, Mr. Aniket Shitole i/by Tejesh Dande &
Associates, Advocates for the applicant.

Mr. Y. S. Jahagirdar, Senior Advocate with Adv. Sayali Gangal
i/by Mr. Vikram N. Walawalkar, Advocates for the respondent
no.4.

Mr. Chaitanya N. Narvekar i/by Mr. Tejpal S. Ingale, Advocates for
the respondent no.6.

Mr. A. I. Patel, Additional Government Pleader with Mrs. D. S.
Deshmukh, Assistant Government Pleader for the respondent-
State.

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**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 19th NOVEMBER, 2024.

P.C. :

1. The applicant-Liquidation Committee, Bhudargad Nagari
Sahakari Patsanstha Ltd. seeks grant of permission to accept the
proposal given by the Kudalbeskar Guad Brahman Sahyog,
Dombivli, a Public Trust of surrendering its lease-hold rights in
favour of the Public Trust for a consideration of Rs. 1 crores 36

lakhs. The applicant relies upon the communication dated 5th December 2023 issued by the Additional Registrar, Co-operative Societies which has been addressed to the Liquidation Committee wherein it has been stated that the proposal as made by the Liquidation Committee has been accepted subject to obtaining leave of the Court.

2. We have perused the Interim Application as well as communication dated 5th October 2023 issued by the Additional Registrar. He has found that on the applicant surrendering its lease-hold rights in respect of 3300 square feet land on the ground floor as well as basement of the building constructed on plot no.38, Dombivali Co-operative Housing Society Limited, the Liquidation Committee would get an amount of Rs.1crore 36 lakhs. This would enable the Liquidation Committee to distribute this amount to its creditors as well as its depositors. In view of the fact that the Additional Registrar who is a statutory authority under the provisions of the Maharashtra Co-operative Societies Act, 1960 has granted approval to the surrender of tenancy rights by the applicant, we do not find any reason to deny permission to accept the said proposal given by the Public Trust.

3. Mr. Y. S. Jahagirdar, learned Senior Advocate for the Public Trust on instructions from the Chairman of the Public Trust

submits that the agreed amount of consideration would be paid to the Liquidation Committee by 7th December 2024. The statement in that regard is accepted.

4. Hence for aforesaid reasons, the Interim Application is allowed in terms of prayer Clause (a) which reads as under:-

a. That this Hon'ble Court may kindly be pleased to pass an appropriate order or direction thereby granting permission to accept and act as per the proposal given by Kudaldeshkar Guad Brahman Sahyog, Dombivli Trust to surrender the leasehold rights in respect of total 3300 sq. feets, of area consisting of 2200 sq. feets on the ground floor and 1100 sq. feets in the basement of the building constructed on Plot No. 38, Dombivli Cooperative Housing Society Limited, Rajaji Road, 1st Lane, Ramnagar, Dombivli (E), Thane - 421 201, situated in Survey No. 91/1/1, City Survey No. 8395 in village Ahire admeasuring 526.70 sq. meters. For consideration of an amount of Rs.1, 36,00,000/- and for further concessions agreed by the said Respondent Trust in lieu of such surrender of rights and handing over of the possession of the said property;

5. The Interim Application is disposed of in aforesaid terms.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]