

VRJ

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

WRIT PETITION NO.2565 OF 2024

VAIBHAV
RAMESH
JADHAV
Digitally signed by
Vaibhav Ramesh Jadhav
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o=, ou=, email=, c=IN

Padamaja Pradeep Sukhadeo & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.2567 OF 2024

Prathamesh Pradeep Sukhadeo & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.2568 OF 2024

Santosh Ramesh Shiralkar & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.2569 OF 2024

Sandya Santosh Shiralkar & Anr. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.2571 OF 2024

Pradeep Vinayak Sukhadeo & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. D. V. Sutar with Mr. Kiran G. Kulkarni, Mr. Deepak Jain and Mr. Sangram Mundhekar i/by Mr. Shailesh Chavan for the petitioners.

Mr. Surel Shah i/by Mr. Vishwajeet Mohite, Mr. Ketan Joshi and Mr. Vikram Kulkarni for respondent Nos.2 and 3.

CORAM : AMIT BORKAR, J.

DATED : MARCH 11, 2024

P.C.:

1. Since common question of law and fact are involved in all these writ petitions, these writ petitions are being disposed of by common judgment.
2. Only point involved in writ petitions is non-compliance of section 154 (2A) of the Maharashtra Cooperative Societies Act, 1960 (hereafter, "MCS Act", for short). In each writ petition, certificate under section 101 of the MCS Act has been issued by the Assistant Registrar. The petitioners have filed separate revision applications challenging each certificate. By the impugned order, the Divisional Joint Registrar has rejected the revision applications holding that there is non-compliance of section 154(2A) of the MCS Act.
3. Today, learned advocate for the petitioners has furnished a chart indicating that the petitioners have deposited various amounts which according to the petitioners are less than 50%. However, the petitioners will compensate the deficit amount by depositing balance amount with the bank to constitute 50% as required under section 154(2A) of the MCS Act.
4. Therefore, the petitioners are permitted to deposit deficit amount necessary to constitute 50% as required under section

154(2A) of the MCS Act.

5. The petitioners shall deposit such amount with respondent No.2-bank.

6. Respondent No.2-bank shall accept the amount to be deposited by the petitioners.

7. On deposit of 50% of the recoverable dues as contemplated by section 154(2A) of the MCS Act, the Revisional Authority shall decide the revision applications on its own merit.

8. In case there is dispute between the parties regarding non-compliance of section 154(2A) of the MCS Act, it will be open for the Revisional Authority to adjudicate as to whether 50% of the amount as required under section 154(2A) of the MCS Act, recoverable dues has been deposited by the petitioners or not. On such satisfaction being recorded, the Revisional Authority shall decide revision application on its own merit.

9. With above clarification, the writ petitions stand disposed of. No costs.

10. Subject to satisfaction about compliance of section 154(2A) of the MCS Act, it will be open for the Revisional Authority to consider application for interim relief filed by the petitioners.

(AMIT BORKAR, J.)