

Nikita

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

WRIT PETITION NO.4405 OF 2024

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KAILAS
DARADE

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Date: 2024.03.28
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Padma Chandrashekhar Naidu ... Petitioner

V/s.

Divisional Joint Registrar of
Co-operative Society Pune and ors. ... Respondents

Mr. S. S. Panchpor for the Petitioner.

Mr. Swapnil Kamble AGP for the State-Respondent Nos.
1 to 4.

Mr. Abhijit Kulkarni for Respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : MARCH 27, 2024

P.C.:

1. The petitioner is challenging order passed by the Revisional Authority rejecting the revision application for non-compliance of Section 154 (2A) in a revision with respect to certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 .

2. Learned counsel for the petitioner, on instructions, states that total amount of recoverable dues as per Section 101 certificate shall not exceed to Rs.2,00,000/- and he has instruction that petitioner will deposit Rs. 1,00,000/- within one week from today with the respondent No.5. The petitioner is also ready to file undertaking to that effect. Both the statements are accepted.

3. The petitioner is depositing 50% of recoverable dues within one week from today. The impugned order stated set aside.
4. The revision Application along with the application for condonation of delay shall be decided on its own merits.
5. In case, the petitioner fails to file undertaking or deposit the amount within one week from today, it shall be open for the respondent No.5-Bank to take possession by following procedure under Rule 107(d-1) clause (vi) of the Maharashtra Cooperative Societies Act, 1960. Therefore, it is clarified that during the pendency of the revision application, possession as per notice issued under clause (d-1) shall not be taken, provided amount as per clause (3) is deposited.
6. In case the delay is condoned the revisional Authority shall decide the revision application within six months from today.
7. The writ petition is disposed of. No costs.

(AMIT BORKAR, J.)