

Shabnoor

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

WRIT PETITION NO.5449 OF 2024

Meherina Cooperative Housing Society
Limited

... Petitioner

V/s.

The Divisional Joint Registrar
Cooperative Societies & Ors

... Respondents

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Mr. Aurup Dasgupta a/w Ms. Sonam Ghiya & Drishika Hemnani i/by Mr. Jhangiani, Narula & Associates, for Petitioner.

Mr. Swapnil P. Kamble AGP for State/Respondent Nos.1 & 2.

Mr. Atul Damale, Sr. Advocate a/w Mr. Prashant P. Kulkarni a/w Ms. Rachna Mamnani, for Respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : APRIL 30, 2024

P.C.:

1. The writ petition arises out of interim order in a revision arising out of an order passed under Section 23(2) of the Maharashtra Cooperative Societies Act, 1960 directing petitioner / Society to grant membership to respondent No.3.

2. According to the petitioner, the predecessor of respondent No.3 had failed to pay the legal dues of the society and, therefore, unless such dues are cleared, the Registrar could not have directed

society to grant membership

3. Mr. Damale, senior Advocate appearing on behalf of respondent No.3, on instructions, makes a statement that respondent No.3 has deposited Rs.1 crore with the Society keeping his right open to challenge to the quantum of demand made by the petitioner / Society.

4. The petitioner / Society shall, therefore raise demand of legal dues in accordance with law against respondent No.3 within three days from today. Payment made by the petitioner of Rs.1 crore shall be subject to adjudication of legal dues in relation to demand made by the petitioner / Society.

5. It will also be open for the petitioner / Society to file an application under Section 158(B)(29) for recovery of legal dues of respondent No.3. On such proceedings being filed, the Competent Authority under the Maharashtra Cooperative Societies Act, 1960 shall adjudicate on the legal dues to be paid by respondent No.3. If ultimately, it is found that respondent No.3 is liable to pay less than Rs.1 crore, deficit amount shall be repaid by the petitioner to respondent No.3. However, if the Competent Authority holds that the legal dues of petitioner exceed Rs.1 crore, respondent No.3 shall pay such amount as adjudicated by the Competent Authority under the Maharashtra Cooperative Societies Act, 1960.

6. Since, respondent No.3 has already paid Rs.1 crore. Hence, it is not necessary to adjudicate on the revision application filed by the Society challenging direction to grant membership to

respondent No.3. The Society has already passed Resolution accepting respondent No.3 as member of the Society. The Revision Application No.33 of 2024 pending before the Divisional Joint Registrar stands disposed of.

7. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)