

AGK

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

WRIT PETITION NO.16106 OF 2022

Dilip Visarjan Gupta ... Petitioner

V/s.

The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2024.03.20
16:50:55 +0530

WITH

WRIT PETITION NO.16107 OF 2022

WITH

INTERIM APPLICATION NO.16294 OF 2023

Ankita Satish Gupta ... Petitioner

V/s.

The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

WITH

WRIT PETITION NO.16108 OF 2022

Saroj Premchand Jaiswal ... Petitioner

V/s.

The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

WITH

WRIT PETITION NO.16104 OF 2022

Jardadevi Visarjan Gupta ... Petitioner

V/s.

The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

WITH

WRIT PETITION NO.16103 OF 2022

Mala Ramvilas Gupta ... Petitioner

V/s.

The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

**WITH
WRIT PETITION NO.16105 OF 2022
WITH
INTERIM APPLICATION NO.16296 OF 2023**

Nilesh Ramvilas Gupta ... Petitioner
V/s.
The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

**WITH
WRIT PETITION NO.16109 OF 2022**

Sanjay Visarjan Gupta ... Petitioner
V/s.
The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

**WITH
WRIT PETITION NO.16099 OF 2022**

Ramvilas Visarjan Gupta ... Petitioner
V/s.
The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

**WITH
WRIT PETITION NO.16100 OF 2022
WITH
INTERIM APPLICATION NO.16293 OF 2023**

Satish Visarjan Gupta ... Petitioner
V/s.
The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

**WITH
WRIT PETITION NO.16102 OF 2022**

Visarjan Munnilal Gupta ... Petitioner
V/s.
The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

**WITH
WRIT PETITION NO.16098 OF 2022**

Ghanshyam Visarjan Gupta ... Petitioner

V/s.

The Divisional Sub-Joint Registrar,
Coop. Societies, Kokan Division & Ors. ... Respondents

Mr. Arif Bookwala, Senior Advocate with Mr. Paresh Thakar for the petitioner.

Mrs. V.S. Nimbalkar, AGP for respondent Nos.1 & 2/State.

Mr. Vijay Kurlle with Samkit Shah, Mr. Ravindra Bhosale and Mr. Chandrashekhar Acharya for respondent Nos.3 & 4 (Society)

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2024

RC.:

- 1.** The question of law and facts involved in all these matters are similar and, therefore, all these writ petitions are disposed of by this common order.
- 2.** The challenge in all these writ petitions is to the order passed by the Revisional Authority in exercise of power under Section 154 of the Maharashtra Cooperative Societies Act, 1960.
- 3.** The Assistant Registrar by order dated 5 May 2022 issued a certificate under Section 101 of the Maharashtra Cooperative Societies Act, 1960. The petitioner challenged the certificate before the Revisional Authority under Section 154 of the Act. Section

154(2A) requires person challenging the recovery certificate to deposit 50% of the recoverable dues as stated in the certificate.

4. The petitioner on 1 August 2022 requested for fifteen days' time to deposit 50% of the amount. The Revisional Authority accordingly granted time till 19 August 2022. However, the petitioner failed to deposit 50% of the amount, with the result the Divisional Joint Registrar by the impugned order dated 29 September 2022 dismissed the Revision Application.

5. The law in relation to compliance of Section 154(2A) of the Act is well settled. Unless the person challenging certificate under Section 101 of the Act deposits 50% of the recoverable dues as mentioned in the certificate, the Revisional Authority cannot entertain the Revision Application.

6. Since the petitioner fails to deposit the amount within the time permitted by the Revisional Authority, there is no error in the order passed by the Revisional Authority dismissing Revision Application.

7. At this stage, learned Senior Advocate for the petitioner submitted that this Court on 4 May 2023 protected the petitioner by observing as under:

“5. In the meanwhile, if the Authorities pass the order, coercive steps be not taken to implement the orders.”

8. What is meant by clause (5) of the order is that if the Authorities under the Maharashtra Cooperative Societies Act passes any order, no coercive steps shall be taken against the

petitioner. Since the impugned order is in accordance with law, in my opinion, no case for continuation of ad-interim relief is made out. Hence, the ad-interim relief granted earlier cannot be continued.

9. However, it is made clear that if the petitioner complies with Section 154(2A) of the Act, it will be open for the Revisional Authority to consider Revision Application of the petitioner on merits. If the petitioner deposits 50% of the recoverable dues as required under Section 154(2A), it will be open for the petitioner to apply for interim relief.

10. With this clarification, all the writ petitions stand disposed of. No costs.

11. All pending interim application/s stand disposed of as infructuous.

(AMIT BORKAR, J.)