

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

WRIT PETITION NO.675 OF 2024

Nikhil Bhanudas Shelar & Ors.

.. Petitioners

Versus

The State of Maharashtra

through Tahasildar, Ambernath & Ors.

.. Respondents

Mr.Induprakash Tripathi i/by Mr.C.K. Tripathi for the petitioners.

Mr.N.C. Walimbe, Addl. G.P a/w Ms.K.N. Solunke, AGP for respondent
nos.1 & 2-State.

***CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.***

DATE : 17th January 2024

PC.:-

. It is submitted by the learned counsel for the petitioners that against the recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 on 23rd February 2019, the petitioners have preferred a revision application for challenging the same.

2. It is urged that on the basis of the aforesaid recovery certificate, the action of attachment of the petitioners' property is being undertaken by the Circle Officer pursuant to the notice dated 18th December 2023.

3. On instructions, a statement is made that the petitioners were never served with the notice of the proceedings under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. By referring to the averments made in paragraph 16 of the writ petition, it is submitted that the notice dated 18th December 2023 purporting to attach the subject property on 17th January 2024 was received by the petitioners on 10th January 2024.

5. Issue notice, returnable on 14th February 2024. Learned Additional Government Pleader waives service of notice for respondent nos.1 and 2. Respondent no.3 be served by all permissible modes.

6. Without prejudice, subject to the petitioners depositing 50% of the amount as indicated in the recovery certificate within a period of three weeks from today, the notice dated 18th December 2023 shall not be acted upon. The parties to act on the authenticated copy of this order.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.