

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

WRIT PETITION NO. 9762 OF 2024

Hariprasad Bhupatsingh Choksey

...Petitioner

Versus

The Deccan Merchants Co Operative Bank
Limited And Anr.

...Respondents

....

Mr. Kishor Patil, with Mr. Amol Mhatre & Mr. Sammer Mhatre,, for
the Petitioner.

Mr. Y.D. Patil, A.G.P. for Respondent No.3 – State.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 15th JULY, 2024

P.C.:

1. Heard Mr. Kishor Patil, learned counsel for the petitioner.
2. The petition questions the order dated 20.03.2024 passed by the Recovery Officer, rejecting the objection of the petitioner, regarding the executability of the RRC dated 29.11.2018, which objection was raised on the ground that the sale proclamation issued in pursuance to that on 28.06.2019 under Rule 107 (11) (e) of the Maharashtra Co-operative Society Rules was nonest on account of the Sale Certificate dated 08.02.2017 having been set aside in pursuance to the objection being considered by the RRO

by the order dated 29.11.2018, which was in pursuance to the order of this court 06.06.2018 in Writ Petition (St) No.8022/2018 considering the objection. It is contended that that in pursuance to the fresh RRC being issued on 29.11.2018, the proclamation dated 28.06.2019, cannot be acted upon as it was based upon the earlier RRC dated 08.02.2017 which is no longer in effect. It is not disputed that the amount of Rs.1,70,15,908/- which was the amount under the first RRC, is also the same under the second RRC.

3. Issue notice for final disposal, returnable on 29th July, 2024. Learned A.G.P. waives notice for respondent No.3.

4. It is made clear that no stay has been granted to the further proceedings for sale of the property, as the petitioner has expressed his unwillingness to deposit any amount and it is expressly directed that the sale proceedings shall go further.

(AVINASH G. GHAROTE, J.)