



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10429 OF 2024

OMKAR PETROLEUM

..PETITIONER

VS.

THE RECOVERY OFFICER ATTACHED
TO THE GREATER BOMBAY CO-OPERATIVE
BANK LTD. & ANR.

..RESPONDENTS

Adv. Rohit Agarwal i/b. Adv. Kruti Bhavsar, Adv. Deshna P, Adv. Devang Manjrekar for petitioner.

Adv. Anshul Anjarlekar i/b. Raval Shah & Co. for respondents.

Adv. Javeed Hussein a/w. Adv. Mubashir Hussein, Adv. Munibah Iram, Adv. Munzir Hussein i/b. Hussein & Company for intervener – HPCL.

CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 26th JULY 2024.

P.C. :

1. Learned counsel for the petitioner has tendered draft amendment. The same is allowed. It be carried out forthwith.

2. At the outset, learned counsel for the petitioner submits on instructions that the orders dated 29th December 2023, 29th June 2024, 12th July 2024 and 22nd July 2024 would be separately challenged by invoking the statutory remedy provided under the Maharashtra Co-operative Societies Act, 1960 (for short 'the said Act'). Liberty granted.

3. The petitioner seeks to challenge order dated 8th July 2024

passed by the Recovery Officer under Section 156 of the said Act read with Rule 107 of the Maharashtra Co-operative Societies Rules, 1961 (for short 'the said Rules'). By the said order, a direction has been issued to M/s. Hindustan Petroleum Corporation Ltd. (for short 'the said Corporation') not to supply petrol/diesel or any other petroleum product as per the Memorandum of Agreement between the said Corporation and the petitioner until written orders are obtained. This direction has been issued by terming it as an order of attachment.

4. *Prima facie*, on perusal of Rule 107 of the said Rules, we find that the directions contained in the said order travel beyond the scope of Rule 107 of the said Rules.

5. Stand over to 9th August 2024 to enable the learned counsel appearing for the respondents to file their affidavit-in-reply.

6. In the meanwhile, the effect and operation of the order dated 8th July 2024 shall remain stayed.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]

7. The matter was mentioned at 2:30 p.m. by the learned counsel for the parties. They submit, on instructions, that the parties have agreed to settle the dispute in accordance with consent terms that

have been duly signed by the said parties and their learned counsel. The consent terms dated 26th July 2024 are taken on record and marked “A” for identification. Accordingly, the writ petition is disposed of in terms of the consent terms. The statements made therein are treated as undertakings to the Court. The parties to act accordingly.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]