

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12439 OF 2024

Ambika Trading Corporation Petitioner

V/s.

Anupam Cooperate Housing So. Ltd. & Respondents
Anr.

Mr.Prashant P. Kulkarni, for the Petitioner.

Mr.S.D. Rayarikar, AGP, for Respondent Nos.2 and 3-State.

CORAM : R.M. JOSHI, J.

DATE : 09th SEPTEMBER 2024

P.C:-

. Heard.

2. The learned counsel for the Petitioner submits that, the proceedings under Section 154B(29) under the Maharashtra Co-operative Societies Act, 1960 came to be filed after 45 years. It is his submission that for the period 1985 to 2019 dues are sought to be recovered from the Petitioner. According to him while filing revision against the order of the issuance of the recovery certificate, 50% amount has been deposited by the Petitioner. He further submits drawing attention of the Court to

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the order impugned to state that the Revisional Authority has failed to taken into consideration the submission of the Petitioner with regard to the delete claim of the dues. Considering the fact that the recovery is sought for the period 1985 to 2019 and there is already 50% amount of the certificate being deposited by the Petitioner, Petitioner has made out arguable case.

3. Issue notice to the Respondents, returnable on 15th October 2024.

4. Till next date of hearing there shall be stay to the execution of the recovery certificate dated 26th August 2022.

5. Mr.S.D. Rayarikar, learned AGP, waives service for Respondent Nos.2 and 3.

(R.M. JOSHI, J.)