



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4218 OF 2024

(Pankajkumar s/o Hariram Agrawal .vs. Divisional Joint Registrar, Co-operative Societies,
Nagpur and one)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.R. Joharapurkar, Advocate for petitioner,
Ms. N.P. Mehta, Additional Government Pleader for
respondent no.1.

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CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 19.07.2024.

The petitioner - a partner in firm M/s. Pankajkumar Neerajkumar was proceeded against for recovery of dues under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner is already informed to have filed proceedings before the Debts Recovery Tribunal, Nagpur.

3. The petitioner intends to have the copies of the records pertaining to his accounts maintained by the respondent no.2-financial Institution. His

prayer under the provisions of Right to Information Act, 2005 was rejected. However, respondent no.1 Divisional Joint Registrar, Cooperative Societies, in exercise of powers under sub-section (1) of Section 79 of the Maharashtra Cooperative Societies Act, 1960 (for short 'Act of 1960') passed an order on August 7, 2018 thereby directing respondent no.2-Bank to produce before him all the documents pertaining to the loan and its recovery.

4. It is the case of the petitioner that though the order is passed on August 7, 2018, till this date, the same is not taken to its logical end, thereby reporting compliance.

5. According to Shri Joharapurkar, the learned counsel for the petitioner, denial to produce the documents on the part of respondent no.2 would amount to denial of opportunity of hearing and that being so, direction needs to be issued to respondent nos.1 and 2 to provide the documents as were directed by the respondent no.1 to be produced vide order dated August 7, 2018.

6. As against above, the learned Additional Government Pleader Ms. Mehta, would urge that plain reading of Section 79 of the Act of 1960 depicts that said powers are available to the respondent no.1, however, the same cannot be exercised at the behest of a private party. In such an eventuality, she would claim that appropriate orders may be passed in the matter.

7. Shri Joharapurkar, learned Counsel for the petitioner, has invited our attention to the provisions of Section 79 (1) of the Act of 1960 read with Rules 65 and 67 of the Maharashtra Cooperative Societies Rules, 1961 so as to substantiate his aforesaid contentions.

8. The learned counsel for the petitioner would further draw support from the judgment of this Court in the matter of *Rajeshwar Majoor Kamgar Sahakari Sanstha Limited., Pimpri Gawali .vs. State Information Commissioner, Amravati and others*, reported in *2022 (2) Mh.L.J. 291*,

9. The proposition as laid down by the Division Bench of this Court in the matter of ***Rajeshwar Majoor Kamgar*** (cited supra) can be inferred from the very object for which the provisions of sub-section (1) of Section 79 of the Maharashtra Cooperative Societies Act, 1960 are brought on the statute book. The plain reading of the said provision contemplates that the powers under Section 79 of the Act of 1960 can be invoked by the Registrar for his own purpose and not at the behest of a private party. That does not appear to be the scheme of the statute upon plain reading of the provisions of Section 79 of the Act of 1960.

10. Even otherwise, the provisions of Rules 65 and 67 of the Maharashtra Cooperative Societies Rules, 1961 which are supplemental in nature to the provisions of Section 79 of the Act of 1960 cannot be stretched to infer that the parties like the petitioner can seek information with the aid of the respondent no.1 in relation to the Cooperative Societies like respondent no.2.

11. Once it is brought to the notice of the Court that the petitioner is already agitating his claim before the Debts Recovery Tribunal, he has

every right to contest the said claim and if so required, seek appropriate orders for furnishing him the required information for effectively contesting the litigation.

12. In the aforesaid backdrop, execution of order dated August 7, 2018, which is sought by the petitioner, in our opinion, is contrary to the scheme of Section 79 of the Act of 1960.

13. In that view of the matter, we refrain ourselves from showing any indulgence in the extra-ordinary jurisdiction. The petition accordingly fails and the same is dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)