



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**WRIT PETITION NO.11546 OF 2025**

- 1) Sau. Sima Narendra Bendale,
- 2) Pramod Mansaram Kolhe,
- 3) Milind Shrawan Lokhande,
- 4) Jagdish Waman Shirsath,
- 5) Suresh Vasudeo Waghulde,
- 6) Sunil Bhaskar Waghulde,
- 7) Milind Dayaram Waykole.

**...PETITIONERS**

**VERSUS**

- 1) The State of Maharashtra,  
Through Secretary,  
Department of Cooperation,  
Marketing and Textiles,  
Mantralaya, Mumbai,
- 2) The Deputy Registrar,  
Co-operative Societies,  
Jalgaon,
- 3) Tapi Urban Co-operative Credit  
Society Ltd., Savda,  
Tq-Raver, District-Jalgaon,  
Through Liquidator,
- 4) Tapi Urban Co-operative Credit  
Society Ltd., Savda,  
Through Special Recovery Officer,  
R/o-Savda, Taluka-Raver,  
District-Jalgaon,

- 5) Pournima Dhanraj Chaudhari,
- 6) Dhanraj Bhadu Chaudhari,
- 7) Godawari Dhanraj Chaudhari,
- 8) Sudhakar Dhanu Chaudhari,
- 9) Huna Hiranman Bharamabe,
- 10) Urmila Huna Bharambe,
- 11) Purvesh Amol Chaudhari,
- 12) Sitaram Mohan Patil,
- 13) Sau Malati Pundlik Nehete,
- 14) Dinkar Nimba Boroli,  
died through legal heirs,
  - a) Jyosna Dinkar Borole,
  - b) Dhiraj Dinkar Borole,
  - c) Dr. Lalit Dinkar Borole,
- 15) Bhaskar Parshuram Chaudhari,
- 16) Lakshman Tikaram Patil,
- 17) Prabhavati Lakshman Patil,
- 20) Bhaskar Tulshiram Waykole,
- 21) Shanta Bhaskar Waykole.

**...RESPONDENTS**

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Mr. Prasanna N. Kutti Advocate for Petitioners.  
Ms. Saie S. Joshi, A.G.P. for Respondent Nos. 1 and 2.  
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**CORAM: SMT. VIBHA KANKANWADI AND  
HITEN S. VENEGAVKAR, JJ.**

**DATE : 26<sup>th</sup> NOVEMBER, 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. Heard learned Advocate Mr. Kutti for the petitioners. Learned AGP waives notices for respondent Nos. 1 and 2.

2. The petitioners were the ex-directors and office bearers of Co-operative society by name, Tapi Urban Co-operative Credit Society Limited. They were not having any active role in taking or disbursing the loan amounts. The Society came to be dissolved on 02.09.2008 and the administrator was appointed. Later on liquidator came to be appointed on 15.10.2019. In fact since 2008 the affairs of the Society are looked after either by the administrator or by the liquidator. Since the body of the directors was dissolved, the petitioners had no authority of any recovery or to do any type of work in the Society. The recovery officer, respondent No.4 was looking after the recovery by auctioning various properties. When huge amounts were recovered by respondent No.4 and others, it was necessary for them to appear before the District Consumer Forum where the complaints were filed and then the deposited amount could have been disbursed to the depositors who had made the complaint.

Respondent Nos. 5 to 21 were in need of money and therefore, they had demanded the encashment of their term deposit on the maturity date. When it was not given by the society, they had approached the District Consumer Forum, Jalgaon. Various orders have been passed by the District Consumer Redressal Forum. Now the Forum is insisting for recovery from the petitioners, which can be said to be illegal in view of the fact that the recovery officer has already recovered the amount from the petitioners and they have deposited the said amount which was specified in the report. Hence the present Petition.

3. Learned Advocate appearing for the petitioners has taken us through all the documents and submits that inquiry was conducted under Section 88 of the Maharashtra Co-operative Societies Act, wherein the petitioners were asked to deposit specified amount. Accordingly, the amount was deposited by the petitioners and the receipt to that effect or certificate under Section 98 of the Maharashtra Co-operative Societies Act has been given to the petitioners on 01.10.2010. Now, thereafter the petitioners cannot be said to be responsible for any more amount. Now, the complaints came to be filed by various complainants before the District Consumer Forum, Jalgaon wherein their amounts were directed to be given along with

interest and they have now filed applications under Section 27 of the Consumer Protection Act, for the recovery. The liquidator was also party to those proceedings. When huge amounts have been recovered by way of sale of the property and also the undertaking was given by the liquidator before the District Consumer Forum that he would make endeavour to deposit the said amount, the District Consumer Forum ought not to have proceeded under Section 27 of the Consumer Protection Act. Learned Advocate for the petitioners have produced various orders passed by the District Consumer Forum and submits that the recovery initiated against the petitioners deserve to be quashed and set aside.

4. The first and foremost fact that is required to be noted is that the petitioners were party to each and every complaint that was made before the District Consumer Forum, Jalgaon. They have taken the said defence which they are now taking, that they had paid the amount which was levied upon them in the inquiry under Section 88 of the Maharashtra Co-operative Societies Act. The District Consumer Forum has dealt with the point/issue and yet they have been jointly and severally held responsible for the payment of amount along with the interest. Those decisions have been given from 2009 till 2022 on various

dates. Now, it appears that the petitioners have not challenged the decisions by the District Consumer Forum before the higher authorities and therefore, those decisions have become final and it appears that then the action under Section 27 of the Consumer Protection Act has been initiated. It is the judicial process which has been undertaken. The petitioners cannot say that they cannot be held responsible when their liability has been decided by the District Consumer Forum as joint and several. They cannot insist that the liquidator should deposit the said amount. Since the liability is joint and several, the person in whose favour that order is passed, can go against any one of them or all of them. This Court cannot, in its writ jurisdiction, direct that though the order is for the recovery of the amount jointly and severally, yet the District Consumer Forum should go ahead against one person only. We do not find any merit in the present Writ Petition.

5. The Writ Petition stands dismissed.

**[HITEN S. VENEGAVKAR]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**