



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO. 1452 OF 2023

WITH

CIVIL APPLICATION NO. 9165 OF 2025

IN

WP/1452/2023

WITH

CIVIL APPLICATION NO. 9166 OF 2025

IN WP/1452/2023

TAJ GROUP BUILDERS AND DEVELOPERS THROUGH
PROPRIETOR HABIB HASAN HABIB ABUBAKAR CHAUS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR BEED
AND OTHERS

...

Advocate for Petitioner / Applicant : Mr. Shrimant Ravsaheb Kedar

AGP for Respondent/State: Mr. K. B. Jadhavar

Advocate for Respondents No.5&6 : Mr. V. D. Salunke

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.09.2025

PER COURT:

1. Heard.

2. By the present writ petition, the petitioner challenges the order recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 bearing no.101/992/2018-2019, dated 22.01.2019. The Maharashtra Co-operative Societies Act, 1960 provides for revisional remedy against the said order under Section 154 of the Maharashtra Co-operative Societies Act, 1960. For availing the said remedy, the

petitioner is required to deposit 50% of the outstanding loan amount. This court in the case of **Kedarling Vikas Seva Scy. Limited Vs. Dinkar Bhimrao Raut and Others, 2002 (Suppl. 2) Bom.C.R. 195** has observed that revisional remedy is the only remedy and that the certificate issued under Section 101 cannot be even challenged before the cooperative court.

3. The certificate issued is of the year 2019. This court has issued notice on 06.02.2023 in the matter considering the submissions of the petitioner that he wish to settle the matter with the Bank by making one time settlement. It was also clarified that there was no interim orders passed in the matter.

4. Considering that there is no progress in the matter on settlement aspect and, also, considering that the alternate remedy is available, which can be availed by the petitioner, the writ petition is disposed of with liberty to the petitioner to take such remedy as may be available in law to challenge the impugned order.

5. The learned counsel for the petitioner submits that proceedings are initiated before this court the time taken before this court may be excluded if such a revision petition is filed before the appropriate authority. Liberty is granted. If such an application

is filed the concerned authority to decide the same in accordance with law.

6. The Writ Petition stands disposed of accordingly.

7. In view of disposal of the writ petition, all pending civil applications, if any, shall also stand disposed of.

[ARUN R. PEDNEKER, J.]

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