

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2587 OF 2025

Vasantdada Shetkari Sahakari Sakhar
Karkhana Ltd.

... Petitioner

V/s.

Sharad Bharna Aawati & Ors.

... Respondents

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Mr. Umesh R. Mankapure with Om Mangave, Parth P,
Abhishek Ingale and Benazir Jamadar for the
petitioner.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : AUGUST 21, 2025

P.C.:

1. The present writ petition takes exception to the order dated 31st July 2024 passed by the Maharashtra State Cooperative Appellate Court, (Mumbai) Bench at Pune, thereby partly allowing an application seeking a stay of the award passed in dispute bearing No. 483 of 2017 by the learned Cooperative Court, Sangli.
2. The respondents filed proceedings seeking recovery of the amount towards arrears of the bill for sugarcane supply. The learned Cooperative Court, Sangli, after considering the rival submissions, allowed the dispute and passed an award for the recovery of Rs. 1,47,355/- along with interest at 9% in favour of the respondents. The aforesaid order is assailed in appeal before the Maharashtra State Cooperative Appellate Court at Mumbai. A

Miscellaneous Application No. 34 of 2024 was filed seeking to condone the delay. Additionally, an application below Exhibit- '5' was filed seeking a stay of the award.

3. The learned Cooperative Appellate Court, Mumbai Bench at Pune, after hearing the parties, passed the impugned order. A perusal of the order shows that the applicant has shown his willingness to pay the decretal amount to respondent No. 1 within a period of one month. In light of the said statement before the Appellate Court, the application at Exhibit – '5' is allowed, subject to deposit of payment of Rs. 1,47,355/- to respondent No. 1 within a period of one month from the date of the order. It is recorded that the applicant/petitioner assures to deposit the amount as directed by the Co-operative Court.

4. It can be observed from the impugned order that a statement was made on behalf of the petitioner that the amount would be deposited within a period of one month. Upon accepting such a statement, the impugned order has been passed. In that view of matter, the challenge to the aforesaid order cannot be entertained.

5. The writ petition stands dismissed.

6. At this stage, learned advocate appearing for the petitioner submits that the period for deposit of the amount may be extended so that the petitioner can comply with the directions.

7. Hence, the period for deposit of the amount, as per the impugned order, is extended by two months from today.

(S. G. CHAPALGAONKAR, J.)