

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

**WRIT PETITION NO.4923 OF 2024**

Alhad Pandurang Hamine

....Petitioner

V/S

The Office of the Recovery Officer & Anr.

....Respondents

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**Mr. Shakeel Shaikh** i/b Mr. Milind D. Dhande, Mr. Aziz Mohammad, Mr. Akshay A. Salvi and Ms. Divya R. Tiwari *for the Petitioner.*

**Mr. V.J. Nimbalkar, AGP** *for Respondent No.1 / State.*

**Mr. Charles D'souza** a/w Mr. Rupak Sawangikar, Mr. Dhruvam Gaikwad i/b M/s. V. Deshpande & Co. *for Respondent No.2.*

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**CORAM: SANDEEP V. MARNE, J.  
DATE : 23 APRIL 2025.**

**P.C.:**

1. The limited issue raised in the present Petition is about jurisdiction of the Recovery Officer of the second Respondent-Bank to execute the Award under provisions of Section 97 of the Multi-State Co-operative Societies Act, 2002 (**the Act**). The learned counsel appearing for the Respondents submits that the Bank and its Recovery Officer are no longer interested in executing the Award under provisions of Section 97 of the Act. It is submitted that the Respondent-Bank has already initiated regular execution proceedings before this Court and that the Award is now being executed through such execution

proceedings. In the light of this position, nothing would survive to be adjudicated in the present Petition.

2. At this stage, the learned counsel appearing for the Petitioner raises a grievance that certain amount has already been recovered from the salary of the Petitioner in pursuance of impugned attachment order dated 24 May 2023. He would therefore submit that if the Bank is not proceeding ahead with the said attachment order, what is already recovered must be returned to the Petitioner. I am unable to agree. It appears that the Petitioner has unsuccessfully challenged the Award under provisions of Section 34 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) and such challenge is repelled. Even Appeal preferred under provisions of Section 37 of the Arbitration Act is apparently dismissed. Considering this position, I am not inclined to pass an order for refund of recovered amount by the Bank in pursuance of impugned attachment order dated 24 May 2023. It would be open for the Petitioner to move an appropriate application before the Executing Court for return of the recovered amount in the event the execution proceedings are dismissed. Writ Petition is accordingly **disposed of**.

**(SANDEEP V. MARNE, J.)**

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