

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10727 OF 2024

Awadhesh Jha

...Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. Awadhesh Jha, *Petitioner in-person, present.*

Mr. A.A. Nadkarni, *AGP for Respondent -State.*

Mr. Shashikant Gaikwad *for Respondent Nos.5 and 10.*

Mr. C.M. Jadhav *i /b. M/s. S.C. Legal for Respondent No.9.*

CORAM: SANDEEP V. MARNE, J.

Dated: 7 April 2025.

P.C. :

1) Petition challenges order dated 10 November 2023 passed by the Deputy Registrar, Co-operative Societies, Thane, issuing recovery certificate under the provisions of Section 154B-29 of the Maharashtra Co-operative Societies Act, 1960.

2) I have heard the Petitioner appearing in person. At the outset, he would request for leave to delete name of Respondent Nos.9 to 10 from the array of Respondents. Leave is granted. Amendment to be carried out forthwith.

3) The main grievance of the Petitioner is that he does not reside at the address mentioned in the application filed by the Society before the Deputy Registrar. He would invite my attention to some of the correspondence showing that such correspondence on behalf of the society was addressed to him at a different address at Ghatkopar where the Petitioner resides as well as has a office. Prima facie, therefore it appears that Petitioner has not been granted fair opportunity of defending the proceedings before the Deputy Registrar. It would therefore be appropriate to remand the proceedings to Deputy Registrar, Co-operative Societies, Thane with a view to grant opportunity of hearing to the Petitioner.

- 4) I accordingly proceed to pass the following order:
- (i) Writ Petition is partly allowed.
 - (ii) Order dated 10 November 2023 passed by the Deputy Registrar, Co-operative Societies, Thane, is set aside.
 - (iii) Proceedings are restored on the file of Deputy Registrar, who shall proceed to decide the same afresh after grant of opportunity of hearing to the Petitioner.
 - (iv) Parties shall remain present before the Deputy Registrar on 28 April 2025 and shall obtain further directions for fixation of date(s) of hearing in the proceedings.

- (v) The remanded proceedings shall be decided by the Deputy Registrar uninfluenced by order dated 10 November 2023.
 - (vi) Since the recovery certificate is set aside, all consequential actions taken towards implementation of the recovery certificate shall forthwith be withdrawn.
- 5) With the above directions Writ Petition is disposed of.
- 6) All contentions of parties are expressly kept open.

[SANDEEP V. MARNE, J.]