

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

WRIT PETITION NO.12795 OF 2024

Bassein Catholic Co-operative
Bank Ltd. & Anr.

....Petitioners

V/S

The State of Maharashtra & Ors.

....Respondents

WITH

WRIT PETITION NO.12798 OF 2024

Bassein Catholic Co-operative
Bank Ltd. & Anr.

....Petitioners

V/S

The State of Maharashtra & Ors.

....Respondents

WITH

WRIT PETITION NO.12799 OF 2024

Bassein Catholic Co-operative
Bank Ltd. & Anr.

....Petitioners

V/S

The State of Maharashtra & Ors.

....Respondents

WITH

WRIT PETITION NO.12800 OF 2024

Bassein Catholic Co-operative
Bank Ltd. & Anr.

....Petitioners

V/S

The State of Maharashtra & Ors.

....Respondents

WITH

WRIT PETITION NO.12796 OF 2024

Bassein Catholic Co-operative
Bank Ltd. & Anr.

....Petitioners

V/S

The State of Maharashtra & Ors.

....Respondents

**WITH
WRIT PETITION NO.12801 OF 2024**

Bassein Catholic Co-operative
Bank Ltd. & Anr.

....Petitioners

V/S

The State of Maharashtra & Ors.

....Respondents

Mr. Aseem Naphade i/b Mr. Brian Dlima *for the Petitioners in all WPs.*

Mr. J.P. Patil, AGP *for Respondent / State in all WPs except WP 12801 of 2024.*

Mr. Y.D. Patil, AGP *for Respondent Nos.1 to 3 / State in WP 12801 of 2024.*

Ms. Zeel Jain i/b Mr. Anilkumar Patil *for Respondent Nos.4 to 11 in all WPs.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 06 MAY 2025.**

P.C.:

1. These Petitions are filed by the Petitioner-Bank challenging orders dated 22 February 2024 passed by the Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, condoning the delay in filing Revision Applications by the contesting Respondents under provisions of Section 154 of the Maharashtra Co-operative Societies Act, 1960 **(the MCS Act).**

2. I have heard Mr. Naphade, the learned counsel appearing for the Petitioner-Bank, Ms. Jain, the learned counsel appearing

for Respondent Nos.4 to 11 and the learned AGP appearing for Respondent Nos.1 to 3/State.

3. The Divisional Joint Registrar has exercised the discretion of condoning the delay in filing Revision Applications. No doubt the delay is slightly inordinate as it runs into 7 years and 11 months. However the Divisional Joint Registrar has considered the position that the contesting Respondents were required to initiate proceedings before Debts Recovery Tribunal, this Court and the Hon'ble Apex Court for protecting the properties from being attached and sold. The contesting Respondents had apparently submitted a proposal for one time settlement with the Petitioner-Bank which was kept pending. The contesting Respondents also raised a plea of repayment of more than 50% of the due amount to the Petitioner-Bank. After considering all these factors, the Divisional Joint Registrar has exercised discretion in favour of the contesting Respondents.

4. Condonation of delay in filing a Revision Applications would only result in determination of correctness of the recovery certificates issued by the Assistant Registrar. As a matter of fact, under provisions of sub-section (2A) of Section 154 of the MCS Act, it is mandatory for the contesting Respondents to deposit 50% of the amount reflected in the recovery certificates as a pre-condition for decision of revision on merits. Therefore

condonation of delay would ensure that the contesting Respondents deposit atleast 50% of the amount indicated in the recovery certificates. The proceedings before the Divisional Joint Registrar can be expedited. In fact filing of the present Petitions has resulted in a situation when the Revision Applications have not been adjudicated during past about one year. It would therefore be in the interest of all parties that the Revision Applications are decided by the Divisional Joint Registrar in an expeditious manner. Taking up of the Revision Applications/Stay Applications filed by the contesting Respondents for decision on merits would ensure that atleast 50% of the amounts reflected in the recovery certificates is secured by the Petitioner-Bank under provisions of sub-section (2A) of Section 154 of the MCS Act. Considering this position, I am not inclined to interfere in the discretion exercised by the Divisional Joint Registrar in condoning the delay in filing the Revision Applications. It is however clarified that the Divisional Joint Registrar shall not proceed to decide merits of the Revision Applications as well as the Stay Applications unless 50% amounts reflected in the recovery certificates are deposited by contesting Respondents under Section 154 (2A) of the MCS Act.

5. In the event there is any shortfall in mandatory deposit under Section 154 (2A) of the MCS Act, the contesting Respondents shall make good such default within a period of six weeks. The Divisional Joint Registrar shall proceed to decide the

Revision Applications in an expeditious manner, preferably within a period of six months.

6. With the above observations, all the Writ Petitions are **disposed of**.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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by SUDARSHAN
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