

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.17328 OF 2024

Sharada Dashrath Mane .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

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Mr.Jayant J. Satghar with S. Siddhique and Ms.Pooja Jaiswal
i/b Mr.Harshal Mirashi for the Petitioner.

Mr.O.A.Chandurkar, Addl. Govt.Pleader with Mr.S.P. Kamble,
A.G.P. for the State/Respondent Nos.1 to 4.

Mr.Ruturaj Pawar for the Respondent No.5.

**CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.**

DATED : 06th FEBRUARY, 2025

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ORDER (PER BHARATI DANGRE, J.) :-

1. The Petition filed by the Petitioner, who claims to be one of the victims, who had invested money in Bhadwan Credit Society, but was denied the fruits of investment, seek a writ of mandamus or any other writ/order or direction to the Respondents to execute the Recovery Certificate issued by the Additional Deputy Registrar, Co-Operative Societies, Pune in terms of the Circular dated 19th September, 2018 or to recover the amount as recovery of land revenue.

2. We have heard learned counsel Mr.Jayant Satghar for the Petitioner and learned Additional Govt. Pleader Mr.Omkar Chandurkar for the Respondent Nos.1 to 4, whereas the Respondent No.5, against whom the serious allegations are levelled, is represented by learned counsel Mr.Ruturaj Pawar.

3. By consent, we issue Rule, which is made returnable forthwith.

4. It is the case of the Petitioner that several people invested their money in Bhadwan Credit Society and expected returns and the Petitioner was one such investor. When the amounts due were not received by the members, a writ petition was filed before this Court by the several investors,including the Petitioner and it was disposed of by the Division Bench, granting leave to the petitioners seeking execution of the order passed by the Special Auditor dated 12/03/2020.

5. Thereafter, the Recovery Certificate came to be issued against the prime accused and Chairman i.e. Respondent No.5 and eight others for recovery of the amount mentioned, as per Section 98 of the Maharashtra Co-Operative Societies Act, 1960 read with Rule 107 of the Maharashtra Co-Operative Societies Rules, 1961 from the Directors of the Credit Society. However, it is the grievance of the Petitioner that though the Recovery Certificate was issued on 07/07/2022, no much progress was made for recovery of the amount and in fact, it is urged that in the wake of an enquiry being concluded under

Section 88 of the Maharashtra Co-Operative Societies Act, the amount is liable to be recovered from the Directors.

6. The counsel for the Petitioner has highlighted before us the pain and agony suffered by the Petitioner, who has invested huge amount, but it is alleged to have been siphoned off by Respondent No.5 and approximately about seven to eight crores of the amount is yet to be recovered. Certain accusations are levelled against Respondent No.5 as regards to his disproportionate assets and an enquiry is sought into the same, but we do not deem it appropriate to do so in the wake of the enquiry already being conducted under Section 88.

The Petition is accompanied by the orders passed under Section 88 of the Maharashtra Co-Operative Societies Act, thereby directing recovery of an amount of Rs.4,26,39,789/- alongwith the necessary interest as well as other expenditure incurred for carrying out the enquiry by fixing up a liability upon fourteen persons, including the Chairman, Deputy Chairman as well as the Directors of Bhadwan Sahakari Patpedhi Limited and recovery against them is computed to be in the sum of Rs.4,26,39,789/- plus interest. The grievance of the Petitioner is that the amount shall be immediately recovered, so that she may be disbursed some amount of her investment.

7. Learned Additional Government Pleader Mr.Chandurkar has placed before us a communication dated 01/02/2025 issued by the Authorised Officer of Bhadwan Sahakari Patpedhi Limited addressed to the Additional Registrar, Co-

Operative Societies, which is accompanied with the notices issued by the Recovery Officer to various Directors and Office Bearers of the Patpedhi on 31/01/2025, setting out the distinct amount to be recovered from each of the Directors under Section 88 of the Maharashtra Co-Operative Societies Act.

A copy of the said communication dated 01/02/2025 alongwith notices is taken on record and marked 'X' for identification.

8. Perusal of the same would reveal that an opportunity is afforded to the noticee to deposit the amount mentioned in the said notice on or before 28/02/2025 and it is indicated that if there is failure to make the payment of the said amount, they shall be liable for action under Section 107(4) of the Maharashtra Co-Operative Societies Rules, 1961 and the amount shall be recovered alongwith the expenditure to be incurred in terms of Section 156.

9. Since we are informed about the progress of the execution of the Recovery Certificate, by accepting the same on record and by expressing hope and trust that the Recovery Certificate shall be taken to its logical end, the Writ Petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)