

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4416 OF 2025

Rajesh Acharya & Ors.

... Petitioners

V/s.

Kalbhairav Nath Sansthan Ltd.

& Ors.

... Respondents

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Mr. Abhishek Pandey for the petitioners.

Ms. Savita A. Prabhune, AGP for respondent Nos.2 to
5-State.

Ms. Saswati Deb for intervener (the Chembur Nagarik
Sahakari Bank).

CORAM : AMIT BORKAR, J.

DATED : APRIL 2, 2025

P.C.:

1. Learned Advocate for the petitioners states that the certificate under Section 101 of the Maharashtra Cooperative Societies Act, 1960 ("MCS Act") has been issued without giving opportunity of hearing to him, particularly in view of the fact that the certificate has been issued during Covid period.

2. He states that within four weeks from today, the petitioners will deposit 50% of the recoverable dues as on the date of filing of writ petition with respondent No.1-Society.

3. On the next date, the petitioners shall furnish proof of deposit of amount with respondent No.1-Society. The amount deposited after issuance of certificate under Section 101 shall be deducted from the amount of deposit of 50%.
4. It is made clear that if the petitioners fails to produce proof of deposit of 50% of recoverable dues as on the date of filing of writ petition, the Court will consider dismissing the writ petition.
5. Since the petitioners are ready to deposit 50% of the recoverable dues as on the date of filing of writ petition, there shall be ad-interim relief in terms of prayer clause (b) till 30 April 2025.
6. Stand over to **30 April 2025**.

(AMIT BORKAR, J.)