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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4600 OF 2025

Atulkumar Dahyalal Shah

... Petitioner

V/s.

The Chairman/Secretary,
Nikisha Industrial Premises No.2 Co-op
Society Ltd. & Ors.

... Respondents

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RAMESH
JADHAV
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Mr. Rajesh Khobragade for the petitioner.

Mr. S. D. Rayrikar, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 8, 2025

P.C.:

1. Learned Advocate for the petitioner, on instructions, makes a statement before this Court that the petitioner is ready and willing to deposit an amount of ₹2,27,228/- (Rupees Two Lakh Twenty-Seven Thousand Two Hundred Twenty-Eight only) with respondent No.1-Society. This statement is accepted as an undertaking given to the Court. The readiness and willingness of the petitioner to deposit the said amount are recorded, and it is made clear that such deposit is being offered without prejudice to the rights and contentions of the petitioner.

2. The petitioner shall deposit the aforesaid amount with respondent No.1-Society within a period of one week from today.

The time so granted is peremptory in nature, and no further extension shall be granted, except upon sufficient cause being shown to the satisfaction of this Court.

3. It is clarified that the deposit of the amount by the petitioner shall be without prejudice to the adjudication of the exact amount recoverable, which shall be determined upon consideration of the certificate issued under Section 101 of the Maharashtra Cooperative Societies Act, 1960. The rights of the parties shall thus be governed by the outcome of such adjudication, and the deposit made by the petitioner shall abide by further orders that may be passed by this Court in that regard.

4. In view of the above statement made on behalf of the petitioner and in the interest of justice, it is directed that the auction sale which was scheduled to be conducted pursuant to the notice dated 12th March 2025 or any other subsequent notice issued by respondent No.1-Society shall stand stayed until further orders.

5. It is made explicitly clear that in the event the petitioner fails to deposit the aforesaid amount within the stipulated period, the present writ petition shall stand dismissed automatically without any further reference to the Court. Upon such dismissal, it shall be open to respondent No.1-Society to proceed to recover the amount in accordance with law, including by taking recourse to the auction sale or any other lawful mode of recovery available to it. The petitioner shall have no right to raise any grievance thereafter.

(AMIT BORKAR, J.)