

Shabnoor

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

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AYUB
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**WRIT PETITION NO.6248 OF 2025
WITH
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WITH
WRIT PETITION NO.6250 OF 2025
WITH
WRIT PETITION NO.6255 OF 2025
WITH
WRIT PETITION NO.6264 OF 2025
WITH
WRIT PETITION NO.6266 OF 2025**

Prestige Properties ... Petitioner
V/s.
The Deputy Registrar
of Cooperative Society K/E Ward & Ors. ... Respondents

Mr. Vineet Naik a/w Mr. Pradeep Thorat a/w S. Ansari
a/w Sakshi Agarwal i/b Bipin Jayantilal Joshi for
petitioner in all WPs.

Smt. S.S. Jadhav, AGP for State – respondent in WP
No.6248/2025.

Smt. V. S. Nimbalkar, AGP for State – respondent in WP
No.6249/2025.

Mr. S. D. Rayrikar, AGP for State – respondent in WP
No.6250/2025.

Mr. A. O. Chandurkar, Additional Government Pleader
with Smt. G. R. Raghuwanshi, AGP for State –
respondent in WP No.6255/2025.

Ms. S. D. Chipade, AGP for State – respondent in WP
No.6264/2025.

Mr. B. B. Dahiphale, AGP for State – respondent in WP
No.6266/2025.

Mr. Ashish Kamat, Senior Advocate, Mr. N. N. Bhadrashete, Mr. Jai Chhabria, Mr. M. S. Federal, Mr. Murtuza Federal, Mr. Veer Ashar, Mr. Sudarshan Satalkar and Ms. Palomi Vatsyayan i/b Federal & Company for respondent No.2 in all WPs.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2025

P.C.:

1. A preliminary objection has been raised regarding the authority of the Registrar to pass an order under Section 154(b) (29) of the Maharashtra Cooperative Societies Act, 1960 (hereinafter referred to as "the said Act"). According to the petitioner, the society which had initially filed an application under the said provision was earlier registered, but later, a new society was registered under a fresh registration number. The petitioner's contention is that although the registration of the earlier society has since been cancelled, the certificate under Section 154 has been wrongly issued in favour of the earlier, now-defunct society. This, according to the petitioner, affects the legality and maintainability of the recovery proceedings initiated on the basis of that certificate.

2. However, before this Court proceeds to examine the petition on merits, it is necessary to ensure compliance with the statutory requirement under Section 154(2)(a) of the said Act. As per this provision, a person challenging a recovery certificate is required to deposit 50% of the amount claimed as recoverable dues. Accordingly, the petitioner is directed to deposit 50% of the

recoverable dues with this Court within a period of four weeks from today, i.e., on or before 12th June 2025.

3. Upon such deposit being made by the petitioner-society under Section 154(2)(a) of the Act, the recovery certificate shall not be executed, and no coercive steps shall be taken by the concerned authorities against the petitioner. However, if the said deposit is not made within the prescribed period, the interim protection earlier granted shall stand vacated automatically, without requiring any further orders from the Court. Furthermore, the writ petition shall stand dismissed without any further reference to the Court.

4. Needless to clarify, this order shall not preclude the petitioner from availing such other statutory remedies as may be available in law. In the event the petitioner deposits the required amount on or before 12th June 2025, the matter shall be listed for further hearing on 16th June 2025.

(AMIT BORKAR, J.)