

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 116 OF 2025

Nagendra Surajballi Pal

... Petitioner

Versus

Swadhan Co-operative Credit Society Ltd.

... Respondents

.....

Mr. B. S. Nayak a/w. Ms. Sulakshana Survase for the Petitioner.
Mr. Vikrant Parashurami a/w. Mr. Kshitij Kanulkar for the Respondents.

CORAM : **M. S. KARNIK AND**
N. R. BORKAR, JJ.

DATED : **26th JUNE, 2025.**

P.C. :

1. Heard learned counsel for the petitioner. The petitioner seeks relief against the respondent-Swadhan Co-operative Credit Society Ltd. for a direction to forthwith pay the petitioner an amount of Rs.8,76,000/- with interest @ 9% p.a. till realisation. An objection is raised by learned counsel for the respondent that the present writ petition is not maintainable. Mr. Nayak, learned counsel for the petitioner relied upon the decision of the Hon'ble Supreme Court in **Godrej Sara Lee Ltd. Vs. Excise and Taxation Officer-cum-Assessing Authority & Ors.** [2023] 109 GSTR 402 (SC) to submit that merely because there is alternate remedy available does not operate an absolute bar to the maintainability of the writ petition.

2. In the present case, the petitioner is seeking direction against Swadhan Co-operative Credit Society Ltd. It is not demonstrated how the

respondent is a State or instrumentality of the State within the meaning of Article 12 of the Constitution of India. The petitioner is seeking refund from the Society. Hence, we uphold the objection of the learned counsel for the respondent that the present petition is not maintainable. However, we make it clear that we have not made any observation on the merits of the contentions raised in the petition. It is open for the petitioner to invoke the appropriate remedy in law to ventilate the grievances raised in this petition. With this liberty, the petition is **dismissed** as not maintainable.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)