IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6867 OF 2015

1. JAYA PRATAP TALREJA,
Age: 52 Years, Occcu.: Household,

2. PRATAP GOPALDAS TALREJA,
Age: 58 Years, Occu.: Business,

3. PUNAM AJAY VASHANI,
Age: 42 Years, Occu.: Household,

All R/o. Kanwar Nagar, Sindhi Colony,
Jalgaon, Tq. & Dist. Jalgaon .. **Petitioners**

Versus

1. The STATE OF MAHARASHTRA,
Through its Secretary of Cooperation,
Mantralaya, Mumbai

2. THE DEPUTY REGISTRAR,
Cooperative Societies, Jalgaon,
Tq. & Dist. Jalgaon

3. SAHAKAR MITRA SHRI CHANDRAKANT
HARI BADHE SIR URBAN COOPERATIVE
CREDIT SOCIETY LIMITED, Varangaon,
Tq. Bhusawal, Dist. Jalgaon,
Through its Liquidator .. **Respondents**

...

Advocate for the Petitioner : Mr. Vijay B. Patil
AGP for Respondents No.1&2: Mr. P. D. Patil
Advocate for Respondent No.3 : Mr. Vinod Prakash Patil

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WITH

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WRIT PETITION NO. 6872 OF 2015

1. PRATAP GOPALDAS TALREJA,
Age: 58 Years, Occcu.: Business,

2. JAYA PRATAP TALREJA,
Age: 52 Years, Occu.: Household,

Both R/o. Kanwar Nagar, Sindhi Colony,
Jalgaon, Tq. & Dist. Jalgaon .. **Petitioners**

Versus

1. The STATE OF MAHARASHTRA,
Through its Secretary of Cooperation,
Mantralaya, Mumbai

2. THE DEPUTY REGISTRAR,
Cooperative Societies, Jalgaon,
Tq. & Dist. Jalgaon

3. SAHAKAR MITRA SHRI CHANDRAKANT
HARI BADHE SIR URBAN COOPERATIVE
CREDIT SOCIETY LIMITED, Varangaon,
Tq. Bhusawal, Dist. Jalgaon,
Through its Liquidator .. **Respondents**

...

Advocate for the Petitioner : Mr. Vijay B. Patil
AGP for Respondents No.1&2: Mr. P. D. Patil
Advocate for Respondent No.3 : Mr. Vinod Prakash Patil

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CORAM : SACHIN S. DESHMUKH, J.

Date : 22.10.2026

PER COURT :-

1. Heard Mr. Vijay B. Patil, learned counsel for the

Petitioners, Mr. P. D. Patil, learned AGP for Respondents No.1 and 2 and Mr. Vinod P. Patil, learned counsel for Respondent No.3.

2. Petitioners raise challenge to the Recovery Certificates, dated 06.06.2009, issued by Respondent No.2 / The Deputy Registrar, Co-operative Societies, Jalgaon, under Section 101 of the Maharashtra Cooperative Societies Act, 1960.

3. Both the Writ Petitions involve common issue and, also, the facts are identical, as such, taken up together. The facts are taken up from Writ Petition No.6867 of 2015.

4. Respondent No. 3 is a co-operative credit society registered under the Maharashtra Cooperative Societies Act. In 2006, the Petitioner availed a loan facility of Rs.14,00,000/- from the society and fully repaid it by 30.03.2007. Consequently, the society issued a No Objection Certificate for removal of encumbrance / charge.

5. Although, repayment of loan amount was effected, the society initiated recovery proceedings against the Petitioners under Section 101 of the Maharashtra Cooperative Societies Act

before Respondent No. 2, alleging further loan disbursement of Rs.1,64,000/- to Petitioner No. 1, with Petitioners No. 2 and 3 as guarantors. The Petitioners filed their reply categorically denying all allegations, however, Respondent No. 2 issued a Recovery Certificate on 06.06.2009. Hence, the Petitioners are before this court.

6. Mr. Vijay Patil, learned counsel for the Petitioners submits that, while issuing the said certificates mandatory procedure for grant of certificate as contemplated under Chapter VIII-A, Rule 86-A to 86-F of the Maharashtra Co-operative Societies Rules, 1961 is not adhered.

7. When confronted with the same, Mr. Vinod Patil, learned counsel for Respondent No.3 has fairly conceded that the said procedure is not followed.

8. In view of above, the following order:

ORDER

{I} The Writ Petitions are allowed.

{II} The Recovery Certificates dated 06.06.2009, issued in Case No.826/2008 and Case

No.1615/2009, under Section 101 of the Maharashtra Cooperative Societies Act, 1961 are quashed and set aside.

{III} The parties are relegated before Respondent No.2 / The Deputy Registrar, Cooperative Societies, Jalgaon, which shall decide the proceedings, after hearing the litigating sides, in accordance with law afresh.

{IV} Parties shall appear before Respondent No.2 / The Deputy Registrar, Cooperative Societies, Jalgaon, on 03.11.2026

{V} From the date of appearance of the parties, Respondent No.2 / The Deputy Registrar, Cooperative Societies, Jalgaon shall make an endeavour to decide the proceedings in accordance with law and within a period of two (02) months.

(SACHIN S. DESHMUKH, J.)

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