

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

WRIT PETITION NO. 15519 OF 2024

RECOVERY OFFICER SATARA ZILLA NAGARIK SAHAKARI PAT
SANSTHA LTD AND ANOTHER

VERSUS

SIDDHANATH PANDHARINATH BOBADE AND ANOTHER

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Advocate for Petitioners : Mr. Pradeep D. Dalvi

Advocate for Respondent No.1: Mr. Manoj Patil, Ms.Kalyani Mangave

AGP for Respondents No.2 to 4 : Mr. Sanjay D. Rayrikar

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-04-2026

PER COURT:-

1. The petitioners raise an exception to the order dated 27.05.2024 rendered in Revision Application No.367 of 2023 by respondent No.2 - the Joint Registrar for Co-operative Societies, Satara, allowing the Revision presented by the Respondents herein.

2. Learned counsel for the petitioners submits that having availed the loan and failure to repay the same, resulted into taking recourse to proceedings under section 101 of the the Maharashtra Co-operative Societies Act, 1960 (Hereinafter referred to as 'the said Act'). Although, the respondent borrower was served with the notice of proceeding, however, chose not to contest the said

proceeding, resultantly recovery certificate was issued. Once the recovery certificate is issued, proceeding raising exception to the same under section 154 of the said Act would obligate the borrower to deposit 50% of the amount indicated in the certificate. Apart from the same, in absence of any plausible explanation for approaching the Revisional Authority, after an unexplained delay, it was not open for the Revisional Authority to entertain the application, ignoring the unexplained delay and defying the mandate of section 154 of the said Act. As such, sustainability of the order under challenge is evident, therefore, prayed to allow the Petition.

3. Per contra, Mr. Manoj Patil, learned counsel for respondents and the learned A.P.P. have supported the order under challenge, submitting that the Revisional Authority has considered the aspect that the period between which the recourse under section 101 of the said Act was taken, was coinciding with the period of lockdown due to the pandemic of COVID-19. As such the respondent-borrower was prevented from participating in the proceeding. Resultantly, the Revisional Authority has taken into account these aspects and further submitted that significant repayments made by the borrower are neither placed on record nor taken into account by the Authority while issuing a certificate. As such, prayed for a dismissal of the petition.

4. Having heard learned counsel for the litigating sides and perused the material on record, it is evident that the proceedings under Section 101 of the Act were initiated during the COVID-19 pandemic lockdown, a period of unprecedented global standstill. While a Revision must essentially be considered only upon a 50% deposit of the certified amount, the respondent failed to provide a plausible explanation when approaching the Revisional Authority regarding the pandemic's impact on recovery.

5. Nevertheless, to achieve the ends of justice while keeping all contentions open, the impugned order and recovery certificate is hereby quashed and set aside.

6. The matter is remitted back to respondent No.2 - the Joint Registrar for Co-operative Societies, Satara, for a fresh determination of application under Section 101 of the said Act, to be conducted strictly in accordance with law, subject to the deposit of Rs.15,00,000/- (Rs.Fifteen Lakh) by the respondent No.1, in order to show *bonafides*, to be deposited before respondent No.2 - authority, within a period of two weeks from today.

7. The parties are further directed to appear before the concerned authority on 04.05.2026.

8. The concerned authority shall decide the proceedings within period of eight weeks from the date of appearance of the parties.

9. In view of the above, the writ petition stands disposed of.

[SACHIN S. DESHMUKH, J.]

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