

Salgaonkar

MANDIRA MILIND
SALGAONKAR

Digitally signed by MANDIRA
SALGAONKAR
Date: 2026.06.18 12:40:51 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12894 OF 2025

Jagannath Laxman Jadhav .. Petitioner

Versus

The State of Maharashtra through .. Respondents
Secretary, Co-Operation, Marketing
and Textile Dept. & Ors.

...

Mr.Ramchandra Wagh i/b Mr.Narayan Rokade for the
Petitioner.

Mr.A.I.Patel, Addl.G.P. with Ms.P.N.Diwan, A.G.P. for the
State/Respondent.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATE : 17th JUNE, 2026

...

P.C:-

1. On hearing the learned counsel for the Petitioner, we find that under the guise of an innocuous prayer of deciding the representation preferred by the Petitioner to the Deputy Registrar, what the Petitioner is ultimately seeking is the stay of the recovery proceedings initiated against him in furtherance of the Recovery Certificate obtained by Respondent No.4/Society-Shri Kulswami CO-Op. Credit Society Ltd. under Section 101 of the Maharashtra Co-Operative Societies Act, 1960 (for short, "**Act of 1960**")

Admittedly the Petitioner has availed a loan of Rs.50,00,000/- and term loan of Rs.40,00,000/-. Since he

could not repay the loan amount, it resulted into the Recovery Certificate being procured by Respondent No.4 on 30/12/2021. The demand notices were issued to the Petitioner alongwith the attachment notices. An order of attachment is also issued by the Recovery Officer under Section 156(1) of the Act of 1960 read with Rule 107 of the Maharashtra Co-Op. Societies Rules.

2. It is the claim of the Petitioner that he repaid the loan amount in both the accounts, but still a notice was issued by the Recovery Officer for handing over the possession of his shop situated in a co-operative housing society, Vashi, Navi Mumbai.

Being pitched against the dead wall, when the Petitioner know that he cannot wriggle out of his liability either to make the payment or his property being attached and sold for the purpose of realization of the amount in the Recovery Certificate, he rely upon the Government Resolution (G.R.) dated 21/05/2025, which is issued by the Co-Operation Department.

We have perused the said G.R. placed at Exhibit I to note that in no case, does it any way assist the Petitioner. The said G.R. is the policy decision taken by the State Government for extending the scheme of settlement of the loan accounts by the co-operative societies and though the learned counsel for the Petitioner makes a bold statement that he is ready for one time settlement, we expect him to place the said offer before Respondent No.4/Society and it is open for the society to consider the same. The Petitioner, therefore, cannot seek

further postponement of the proceedings, which are legally initiated against him by Respondent No.4.

3. The Petition is dismissed.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)