

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.371 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
--	---------------------------

Mr.Chetan Kapadia a/w Mr.Ashish Kamat i/b Mr.Jamshed Ansari for the petitioner

Mr.K.S.Dewal i/b Mr.J.M.Joshi for the respondent nos.1 and 2

Ms.Jyoti Chavan, A.G.P. for the respondent nos.3 and 4

CORAM : K. K. TATED, J.

DATE : MAY 5, 2017

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By this Petition under Article 227 of Constitution of India, the petitioner challenges the demand notice dated 14.5.2015 and order dated 2.8.2016 passed by the learned Divisional Joint Registrar, Co-op.Societies, Mumbai Divn., Mumbai in Revision Application No.247 of 2015.
- 3 After arguing for some time, the learned Counsel for the petitioner submits that the Petitioner is ready and willing to deposit at present sum of Rs.2,53,72,055/- along with interest @ 14% p.a. on 1,57,82,066/- from 1.5.2015 till

30.10.2017 with the Prothonotary and Senior Master of Bombay High Court on or before 30.10.2017. Petitioner No.1 filed undertaking dated 5th May, 2017 to that effect. Same is taken on record and marked 'X' for identification. He further stated in the said undertaking that he will create security with the bank of any movable or immovable property having market value of Rs.1.50 crores on or before 7.11.2017.

4 Considering the submissions made by the learned counsel for the Petitioner and undertaking given by the Petitioner, following order is passed:

a) Operation and implementation of the impugned demand notice dated 14.5.2015 and order dated 2.8.2016 passed by the learned Divisional Joint Registrar, Co-op.Societies, Mumbai Divn., Mumbai in Revision Application No.247 of 2015 is stayed on the condition that Petitioner to comply the terms and conditions of undertaking dated 5.5.2017 within stipulated time.

b) In case petitioner failed to comply the terms and conditions of undertaking dated 5.5.2017, respondent bank is entitled to proceed with the demand notice dated 14.5.2015 and order dated 2.8.2016 including taking possession and sale of the properties.

c) If entire amount is deposited as stated in the undertaking, respondent bank to comply clause 2

of the said undertaking provided by the Petitioner.

d) If amount is deposited within stipulated time, liberty granted to the respondent bank if they so desire to prefer appropriate application for withdrawal of the amount and that application be decided on its own merits.

e) Matter to appear on board under caption for direction on 3.11.2017.

f) Advocate for the Petitioner undertakes to place on record typed and affirmed copy of undertaking within one week from today with copy to other side. Undertaking is accepted.

(K.K.TATED, J.)



**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.348 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
--	---------------------------

Mr.Chetan Kapadia a/w Mr.Ashish Kamat i/b Mr.Jamshed Ansari for the petitioner

Mr.K.S.Dewal i/b Mr.J.M.Joshi for the respondent nos.1 and 2

Ms.Jyoti Chavan, A.G.P. for the respondent nos.3 and 4

CORAM : K. K. TATED, J.

DATE : MAY 5, 2017

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By this Petition under Article 227 of Constitution of India, the petitioner challenges the demand notice dated 14.5.2015 and order dated 2.8.2016 passed by the learned Divisional Joint Registrar, Co-op.Societies, Mumbai Divn., Mumbai in Revision Application No.246 of 2015.
- 3 After arguing for some time, the learned Counsel for the petitioner submits that the Petitioner is ready and willing to deposit at present sum of Rs.3,14,75,066/- along with interest @ 14% p.a. on 1,95,10,964/- from 1.5.2015 till

30.10.2017 with the Prothonotary and Senior Master of Bombay High Court on or before 30.10.2017. Petitioner No.2 filed undertaking dated 5th May, 2017 to that effect. Same is taken on record and marked 'X' for identification. He further stated in the said undertaking that he will create security with the bank of any movable or immovable property having market value of Rs.1.50 crores on or before 7.11.2017.

4 Considering the submissions made by the learned counsel for the Petitioner and undertaking given by the Petitioner, following order is passed:

- a) Operation and implementation of the impugned demand notice dated 14.5.2015 and order dated 2.8.2016 passed by the learned Divisional Joint Registrar, Co-op.Societies, Mumbai Divn., Mumbai in Revision Application No.246 of 2015 is stayed on the condition that Petitioner to comply the terms and conditions of undertaking dated 5.5.2017 within stipulated time.
- b) In case petitioner failed to comply the terms and conditions of undertaking dated 5.5.2017, respondent bank is entitled to proceed with the demand notice dated 14.5.2015 and order dated 2.8.2016 including taking possession and sale of the properties.
- c) If entire amount is deposited as stated in the undertaking, respondent bank to comply clause 2

of the said undertaking provided by the Petitioner.

d) If amount is deposited within stipulated time, liberty granted to the respondent bank if they so desire to prefer appropriate application for withdrawal of the amount and that application be decided on its own merits.

e) Matter to appear on board under caption for direction on 3.11.2017.

f) Advocate for the Petitioner undertakes to place on record typed and affirmed copy of undertaking within one week from today with copy to other side. Undertaking is accepted.

(K.K.TATED, J.)



**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.301 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
--	---------------------------

Mr.Chetan Kapadia a/w Mr.Ashish Kamat i/b Mr.Jamshed Ansari for the petitioner

Mr.K.S.Dewal i/b Mr.J.M.Joshi for the respondent nos.1 and 2

Ms.Jyoti Chavan, A.G.P. for the respondent nos.3 and 4

CORAM : K. K. TATED, J.

DATE : MAY 5, 2017

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By this Petition under Article 227 of Constitution of India, the petitioner challenges the demand notice dated 14.5.2015 and order dated 2.8.2016 passed by the learned Divisional Joint Registrar, Co-op.Societies, Mumbai Divn., Mumbai in Revision Application No.245 of 2015.
- 3 After arguing for some time, the learned Counsel for the petitioner submits that the Petitioner is ready and willing to deposit at present sum of Rs.3,08,97,846/- along with interest @ 14% p.a. on 1,91,79,926/- from 1.5.2015 till

30.10.2017 with the Prothonotary and Senior Master of Bombay High Court on or before 30.10.2017. Petitioner No.3 filed undertaking dated 5th May, 2017 to that effect. Same is taken on record and marked 'X' for identification. He further stated in the said undertaking that he will create security with the bank of any movable or immovable property having market value of Rs.1.50 crores on or before 7.11.2017.

4 Considering the submissions made by the learned counsel for the Petitioner and undertaking given by the Petitioner, following order is passed:

a) Operation and implementation of the impugned demand notice dated 14.5.2015 and order dated 2.8.2016 passed by the learned Divisional Joint Registrar, Co-op.Societies, Mumbai Divn., Mumbai in Revision Application No.245 of 2015 is stayed on the condition that Petitioner to comply the terms and conditions of undertaking dated 5.5.2017 within stipulated time.

b) In case petitioner failed to comply the terms and conditions of undertaking dated 5.5.2017, respondent bank is entitled to proceed with the demand notice dated 14.5.2015 and order dated 2.8.2016 including taking possession and sale of the properties.

c) If entire amount is deposited as stated in the undertaking, respondent bank to comply clause 2

of the said undertaking provided by the Petitioner.

d) If amount is deposited within stipulated time, liberty granted to the respondent bank if they so desire to prefer appropriate application for withdrawal of the amount and that application be decided on its own merits.

e) Matter to appear on board under caption for direction on 3.11.2017.

f) Advocate for the Petitioner undertakes to place on record typed and affirmed copy of undertaking within one week from today with copy to other side. Undertaking is accepted.

(K.K.TATED, J.)

