

IN THE INDUSTRIAL COURT MAHARASHTRA AT PUNE

INCHARGE INDUSTRIAL COURT, SATARA

Review Application (ULP) No. 1/2018

1.Uttam Shankar Jadhav
Daulatnagar, Satara

and 10 Ors ... Applicants

Vs.

1. Satara District Agri.Rural &
Multipurpose Development
Co-operative Bank Ltd Satara
through its The Liquidator
Narveer Tanaji Marg, Daulatnagar
Satara

and Another ... Opponents

ORDER BELOW EXH. U-16
(Dated : 28/06/2019)

This application is filed by the Applicants for asking order to the Tehsildar Satara for making payment to every applicant as per Judgment and recovery certificate in Recovery Application No. 2/2012 with immediate effect.

2. The Opponent No. 2 in Recovery Application No. 2/2012 and other recovery applications has deposited the amount for the applicant therein as per Recovery Certificate issued in their favour.

3. Tehsildar Satara vide his letter dated 24.5.2019 has asked directions from this Court as to how the amount received in Recovery Application should be distributed amongst the persons named therein.

4. Heard ld. Advocates for both the sides on this application, and perused letter submitted by Tehsildar.

5. The Id. Advocate for the Opponents – Mr. Jadhav submitted that the review application in which this application is filed is not maintainable. He has raised such objection and that objection is to be decided first. The Applicants have no right to ask any review of the order. Mr. Jadhav further submitted that excess payment is made by the Opponents and if total payment is distributed amongst the applicants, the Opponents will suffer irreparable loss, and there would be difficulty in recovery of said amount. The Opponents have filed in all 9 applications for showing excess amount deposited by the Opponent before the Tehsildar. Those applications should also be decided first and then the legal dues could be paid to the claimants i.e. applicants.
6. The Id. Advocate Mr. Jadhav further brought my attention towards the decision of the Hon'ble High Court in Writ Petition No. 8776 of 2009. If the order of the Hon'ble Supreme Court has the effect of rendering the impugned order ineffective and the petitioners act accordingly, it is always open to any aggrieved party to challenge the said action as well. As per this order the Opponent has given the application for amendment / modification in the application filed by the present Opponents u/s 30(2) of the MRTU & PULP ACT, 1971.
7. The Id. Advocate Mr. Jadhav further submitted that he is ready to argue the review application for its maintainability today and till the decision of this

original application the total amount be ordered to withheld. The Tehsildar be ordered to deposit the same in Industrial Court, Satara till further order.

8. The Id. Advocate Mr. Pawar for the present applicants argued that as per decision in various recovery applications, the Opponent has deposited the amount due to respective claimant before the Tehsildar Satara. The present Opponent has filed purshis at Exh. C-8 in Review Application No. 1/2018 to 9/2018 that if the applicants have given no objection for the sale of the property then the Opponent is ready to deposit the legal dues amount before the competent authority and the Opponent is ready to pay the said amount to the applicants. As per this purshis, the present applicants have filed purshis and gave consent for sale of the property. After sale of the property, the amount is deposited by the present Opponent before the Tehsildar.
9. He further submitted that this Court has clarified even in decision of various recovery application as to how much amount is due for respective claimant. By calculating that amount, the Opponent has deposited said amount before Tehsildar. This Court in decision of various recovery application has ordered to the liquidator for making payment to the applicant shown in Annexure "A" of each recovery application. Therefore, now the Opponent cannot claim that the applicants are not entitled to receive the amount deposited with the

Tehsildar. Tehsildar may be ordered to pay the amount as mentioned in Annexure "A" in every recovery application. The Opponents have filed nine applications u/s 30(2) of the MRTU & PULP ACT, 1971 by claiming that excess amount is deposited and the applicant therein is entitled to receive the same. The present applicant, after disposal of the various recovery applications have filed this review application for claiming the interest on the legal dues amount. Though the objection is raised about maintainability of this application, it could be decided in due course of time. The Opponent cannot raise objection that the present application filed in the Review Application is not tenable as original recovery applications are disposed of. Even otherwise, the present applicants are ready to receive the amount by with-holding the amount mentioned in the schedule of applications filed by the present Opponents u/s 30(2) of the MRTU & PULP ACT, 1971.

10. The main grievance of the present Opponent is that if the total amount is paid to the present applicants, the present Opponents would not be able to recover the excess amount deposited by him. However, the ld. Advocate for the applicant fairly submitted that by withholding amount mentioned in various applications filed by the Opponent, the remaining amount which are the legal dues of present applicants be paid to them. I do not find any wrong in his submission. The present

applicants are entitled to claim their legal dues as they are waiting since long. Hence, in the interest of justice, I proceed to pass following order :

ORDER

1. Tehsildar Satara is directed to pay the amount by deducting the amount mentioned in 9 applications filed by the Opponents u/s 30(2) of the MRTU & PULP ACT, 1971. The Registrar of the Court shall inform to the Tehsildar about the amounts mentioned in 9 applications filed under the MRTU & PULP ACT, 1971 to enable the Tehsildar to withhold that amount.
2. Tehsildar shall deposit withheld amount in this Court immediately i.e. within one month from the payment of the applicants.
3. The Registrar of this Court shall immediately deposit that entire amount in Fixed Deposit till final disposal of the Miscellaneous Application No. 1/2019 to 9/2019.
4. After decision of the above Miscellaneous Applications, the Court will pass necessary order for payment of this amount.
5. The application is thus disposed of.

Place : Pune

(P. R. Bhavake-Patil)

Member

Date : 28.06.2019

Industrial Court, Pune

I/c Industrial Court, Satara