

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.852 OF 2015

NANDED DISTRICT CENTRAL CO-OPERATIVE BANK LTD.,
THROUGH ITS AUTHORISED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

PETITIONER
RESPONDENTS

Mr.Laxman H.Kawale h/f Mr.K.J.Suryawanshi, Advocate for the petitioner.

Mr.U.H.Bhogle, AGP for respondent Nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 04/02/2015

PER COURT :

1. The petitioner takes exception to the order dated 20/01/2014 passed by the then Minister of Co-operation in Revision Petition No.15/2014.

2. The grievance of the petitioner is summarized as follows :-

- (a) Section 83 Enquiry under the Maharashtra State Co-operative Societies Act, 1960 (For short, the Act) was initiated against respondent Nos. 4, 5 and 6, who were the directors of the petitioner Bank.
- (b) Respondent No.3 Enquiry Officer submitted his report dated 09/12/2013.
- (c) Before the petitioner could initiate any follow up action as per the procedure laid down in law, respondent Nos. 4, 5 and 6 preferred

revision application No.15/2014 alongwith an application for stay under Section 154 of the Act, on 08/01/2014.

- (d) By the impugned order dated 20/01/2014, the concerned Minister of Co-operation allowed the application for stay without even issuing any notice to the petitioner.
- (e) The impugned order is not an ex-parte ad-interim stay, but is an ex-parte order allowing the application for stay without issuing notice.
- (f) The petitioner has submitted a written say in the said proceedings on 06/02/2014.
- (g) Despite repeated requests, the then Minister did not hear the matter.
- (h) The pending revision petition needs to be heard expeditiously.

3. The learned AGP appearing on behalf of respondent Nos. 1, 2 and 3 submits that since the State of Maharashtra has held State Assembly Elections in October 2014 and in view of the change in the Government, the matter may not have been heard by the Hon'ble Minister.

4. He submits that the pending proceeding can be heard and decided by the Hon'ble Minister within a period of 4 (four) months. Learned Advocate for the petitioner submits that this petition could be disposed of in the light of the statement made by the learned AGP and the Hon'ble Minister / respondent No.1 be directed to hear and decide Revision Petition No.15/2014.

5. In the light of the above, I am disposing of this petition without issuing notice to respondent Nos. 4, 5 and 6. The Hon'ble Minister / Respondent No.1 can proceed to hear Revision Petition No.15/2014 by issuing notices to the contesting parties as expeditiously as possible and preferably on or before 21/02/2015. The notice to indicate the date of hearing in the Revision Petition as 13/03/2015 at 3.00 p.m.

6. Upon receipt of notice, the parties to the revision proceedings shall appear before respondent No.1 on 13/03/2015 and shall abide by the further dates of hearing, as may be directed by the Hon'ble Minister. It is expected that the Hon'ble Minister shall decide the said proceedings as expeditiously as possible and preferably on or before 30/06/2015. The parties to the proceedings shall refrain from seeking adjournments on unreasonable grounds and shall co-operate with respondent No.1 for adjudicating the Revision Petition No.15/2014

7. With the above directions, the petition is disposed of. Learned AGP shall communicate this order to respondent No.1 expeditiously. Parties to act on the authenticated copy of this order.

(RAVINDRA V. GHUGE, J.)