

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

WRIT PETITION NO.2358 OF 2015

Donagaon Vividh Karyakari Seva Sahkari

Society, At Post Donagaon,

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

**Shri. Vineet B. Naik, Senior Advocate i/by D. d. & Abhijit Associates,
for the Petitioner.**

Shri. D. S. Salvi i/by Lex Firmus, for the Respondent No.5.

Mrs. Vaishali Nimbalkar, AGP for the Respondent Nos.1 to 4.

CORAM : R.M. SAVANT, J.

DATE : 24th MARCH, 2015

P.C.

The Learned AGP Mrs. Vaishali Nimbalkar states that the enquiry under Section 83 has been completed and a report dated 10th November, 2014 has been submitted. She further states that an enquiry under Section 88 thereafter has been commenced by the order dated 16th February, 2015, by which order one Shri. B. T. Lavand, District Auditor Class-I has been appointed as the Enquiry Officer. The above Writ Petition No.2358 of 2015 has been filed challenging the authority of the Enquiry Officer to conduct the enquiry on the ground that he is an interested party being an ex-officio director of the Respondent No.5 Bank. In view of the

fact that the order under Section 83 has overtaken the challenge raised in the above Petition. It would be just and proper to permit the Petitioner to withdraw the above Petition to raise a composite challenge both to the authority of Shri. B. T. Lavand to conduct the enquiry and to also raise a challenge against the report dated 10th November, 2014. With liberty as aforesaid, the above Writ Petition is allowed to be withdrawn. Needless to observe that the contentions of the parties are not dealt with and have been kept explicitly open.

[R.M. SAVANT, J]