

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

WRIT PETITION NO.9582 OF 2014

[Badrinarayan Nandkishore Ladha .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rahul Jathar i/by Mr. S.M. Sabrad for the petitioner,
Mr. Vikas Mali, AGP for the respondent nos.1 to 5.

CORAM : NARESH H. PATIL &
S.B. SHUKRE, JJ.

DATE : AUGUST 11, 2015.

PC :

The petitioner raises objection for continuation of respondent no.6-Balasaheb Parshuram Daingade to continue as certified Auditor, who is empowered to carry out audit work of the cooperative societies. It is submitted by the learned counsel for the petitioner that the respondent no.6-Balasaheb is not qualified to work as certified Auditor.

Learned AGP submits that the petitioner was a Chairman of the Society. The respondent no.6 - Balasaheb carried out the audit work of the said society and found that an amount of Rs.2 crores was defaulcated. Police case was lodged against the petitioner. Thus, with this view and keeping this grudge in mind, the petitioner has now preferred this petition.

We have perused the order dated 24.3.2014 (Exh. 'H') passed by the Divisional Joint Registrar,

Cooperative Societies, Kolhapur Region, Kolhapur. In the order, it is observed that the respondent no.6-Balasaheb has been working as Auditor since the year 1995. On the report submitted by the respondent no.6-Balasaheb, action was taken against eight to ten societies by filing police cases. The petitioner was a Chairman of Hanuman Nagari Sahakari Path Sanstha Maryadit, Sangli between the period from 1999-2002. Respondent no.6-Balasaheb had noticed defalcation of huge amount during the years 1998-99, 1999-2002, in the society of which the petitioner was the Chairman.

The petitioner is now raising issue of qualification of respondent no.6-Balasaheb, who has been working as Auditor since the year 1995. The reasons are obvious. The respondents, placing reliance on the audit report submitted by the respondent no.6-Balasaheb, lodged a criminal case against the petitioner.

In this view of the matter, we are not inclined to exercise our extra-ordinary writ jurisdiction. The petition is dismissed.

We direct the respondents to speed up such proceedings/cases in accordance with audit report by taking appropriate steps in accordance with law.

Learned AGP to forward the copy of this order to the concerned.

[S.B. SHUKRE, J.]

[NARESH H. PATIL, J.]