

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4615 OF 2013

(Moreshwar Bhaskar Dahate vs. State of Maharashtra thr. Hon'ble Ministry for State Co-operation
& Textile & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 15, 2015.**

Heard Shri Siras, learned counsel for the petitioner and Shri Fulzele, learned Additional GP for respondent Nos. 1 & 2.

The prayer by the petitioner, a senior citizen aged about 74 years, is to expedite consideration of Appeal under Section 152 of the Maharashtra Co-operative Societies Act, 1960, (hereinafter referred to as the Act), filed by him along with a prayer for extending the period of limitation with Respondent No. 1 – State Government.

Shri Siras, learned counsel, points out that Respondent No. 4, after conducting audit in terms of Section 83 of the Act, submitted a report and that report has been questioned in Appeal before Respondent No. 1. He also states that on the strength of Section 83 inquiry, to fasten individual liability and to recover, action under Section 88 of the Act has also been initiated against the Directors of Respondent No. 3 – Society and that inquiry is going on.

According to him, after challenge to report under Section 83 of the Act is allowed in Appeal, Section 88 inquiry may not survive.

The learned AGP points out that all documents are not produced before this Court and only one of the several Directors is petitioner in the petition. According to him, Section 88 inquiry, therefore, must be allowed to go on. This Court has not stayed that inquiry at any point of time.

In this situation, with directions to the petitioner to co-operate with the Inquiry Officer in Section 88 inquiry and making the order passed therein if against him, subject to result of Appeal under Section 152 of the Act, we also direct Respondent No. 1 to decide the appeal pending before it within a period of three months from the date of communication of this order.

The petitioner to communicate this order to Respondent No. 1 and for that purpose to appear before that authority on 06.05.2015. The period of three months shall begin to run from the said date.

Writ Petition is accordingly disposed of. No order as to costs.

JUDGE

JUDGE