

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 3596 OF 2016

Jalindar Ramchandra Pawar

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.S. Bora, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

WITH

WRIT PETITION NO. 6396 OF 2016

Mohanrao Wamanrao Chaudhari

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.S. Bora, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

WITH

WRIT PETITION NO. 5067 OF 2016

Zumbar s/o Bapurao Bhukan
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. B.T. Bodkhe, advocate for petitioner.
Mr. A.B. Girase, GP for the State.
Mr. D.J. Choudhary, advocate for respondent no. 3.

**WITH
WRIT PETITION NO. 6551 OF 2016**

Ambadas s/o Jangal Kadam
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. B.T. Bodkhe, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

**WITH
WRIT PETITION NO. 6879 OF 2016**

Hitendra s/o Bhagawandas Raval
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. B.T. Bodkhe, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

**WITH
WRIT PETITION NO. 6931 OF 2016**

Somnath s/o Pandurang Ovhal
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. M.S. Kokate, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

**WITH
WRIT PETITION NO. 6762 OF 2016**

Ashok s/o Lakshman Walke
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. M.S. Kokate, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

**WITH
WRIT PETITION NO. 2357 OF 2016**

Santosh s/o Rajebhau Badade

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.H. Solanke, advocate for petitioner.
Mr. A.B. Girase, GP for the State.

=====

**CORAM : R.M. BORDE &
K.L. WADANE, JJ.**

**RESERVED ON : 8th JULY, 2016.
PRONOUNCED ON : 19th JULY, 2016.**

PER COURT :

1. All these petitions are presented by the depositors of the Beed District Central Co-operative Bank praying for issuance of directions to the bank to refund amount deposited by them either in Fixed Deposit or in the Saving account maintained in the branches of District Central Co-operative Bank.
2. Petitioners contend that they have deposited the amount in Fixed Deposit with the bank however, even after maturity of the Fixed Deposit

Receipt, the bank is not in a position to honour the request of the petitioners/depositors to refund the amount. Similarly, in case of petitioners/depositors who have deposited the amount in the saving bank account, the bank is not in a position to honour the request for refund of amount. It is not a matter of doubt that the financial health of Beed District Central Co-operative Bank is not well. The reason of failure of the bank to honour the request for refund of amount is paucity of funds. Merely because financial health of bank does not permit it to refund the amount, cannot be the ground to turn down the request of the petitioners. Petitioners are the individuals in need of money and they contend that they are suffering hardship as a result of failure of the bank to refund their own amount deposited with the bank.

3. Learned counsel for respondent-bank states that infact it is the sincere intention of the bank to make all the efforts to ensure that the amount of the depositors is refunded to them. However, because of the policy adopted by the State Government, the recoveries of the amount advanced by the bank towards loan to the agriculturists has been suspended which has affected liquidity of the bank. It is also informed that during the current year also, the State Government has issued directions to restructure the loan of the agriculturists and directed not to enforce recoveries. The contention raised by respondent-bank appears to be partially true. If at all the State Government has restrained the bank for enforcing recovery of the loan amount from agriculturists and directed the bank to restructure the loans, the State has also undertaken to render

financial assistance to the bank. The State is obliged to render financial assistance as assured under the policy declared by the State. It cannot be denied that the District Central Co-operative Banks are in the nature of lifeline for the agriculturists in the district since large chunk of finance to the agriculturists is through the District Central Co-operative Banks. The major cause of sufferings faced by the agriculturists is the financial crunch and non-availability of credit through banks. Keeping in mind these realities, it is obligatory on the part of the State to ensure that the District Central Co-operative Banks in the district of Maharashtra remain functional and their financial health does not further deteriorate.

4. Learned Government Pleader for State, in response to the directives issued by this Court earlier, has placed on record detailed report prepared by the District Deputy Registrar, Co-operative Societies, relating to balance recoveries of the bank. It is reported that the District Central Co-operative Bank, Beed, owes outstanding amount of Rs.13,448.55 Lacs from 1100 societies. Outstanding dues are as on 31.03.2016. it is reported that aforesaid sum is due from non-agricultural societies in respect of which there is no prohibition from the State Government relating to recovery of dues. On perusal of the report, it is noticed that 21 marketing societies in the district have to pay Rs. 1,560.57 Lacs, 52 industrial societies are in default of Rs.356.36 Lacs, 28 urban banks/societies are in arrears of Rs. 1832.58 Lacs, 103 salary earners societies are in default of Rs. 1,450.18 Lacs, 4 weaving societies are in default of Rs. 983.30 Lacs whereas sugar factories are in arrears of Rs. 3,653.2 Lacs, 9 irrigation societies are in

default of Rs. 1,395.16 Lacs, one milk society is in default of Rs. 156.82 Lacs, 4 poultry societies are in default of Rs. 272.78 Lacs, 150 dairy societies are in default of Rs.378.71 Lacs whereas various bachat gats are in default of Rs. 142.52 Lacs and 21.56 Lacs. The total amount recoverable from all the non-agricultural societies is Rs. 13,448.55 Lacs. The banks shall have to make serious efforts to recover the aforesaid sum from the debtors in respect of which there is no prohibition imposed by the State Government in respect of recovery. It is allegation of the petitioners that on account of political influence of the office bearers of societies, the bank is not enforcing recovery against the defaulting societies. We need not go into the allegations levelled by petitioners at this stage. It shall be the responsibility of the bank to ensure recovery of the amount from the defaulters which will facilitate the bank to repay the amount to the needy depositors.

5. We direct the District Deputy Registrar of the Co-operative Societies to supervise the task of recovery by the District Central Co-operative Bank. It would be open for the District Deputy Registrar to issue appropriate directions to the bank to facilitate recovery of outstanding dues from the defaulters, expeditiously. The District Deputy Registrar shall tender quarterly report in respect of recovery of aforesaid outstanding dues recorded in his report tendered to the Court. The District Deputy Registrar shall submit report in respect of recovery by the bank every three months to this Court. Writ petitions stand disposed of.

(K.L.WADANE)
JUDGE

dyb

(R. M. BORDE)
JUDGE