IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10647 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Jawahar Shantilal Shah
Aged: 47 years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra

in cop-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10648 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sanjay S/o Narayandas Thole,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in cop-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH
WRIT PETITION NO. 10649 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Bhagatsing S/o Dayaram Sonawane,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,

The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10650 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Dilip S/o Kanhaiyyalal Sanklecha,

Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10651 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,

Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Nandkumar S/o Ramchandra Vispute,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10652 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sow. Sudha W/o Ashok Tarodi,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10653 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitoner

Versus

1 Ashok S/o Shobhachand Kothari,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,

Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10654 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Rajendra S/o Manikchand Fulpagar,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,

The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH
WRIT PETITION NO. 10655 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sanjay S/o Vasantrao Satbhai,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10656 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),

Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Rameshwar S/o Jagannath Mundada,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH
WRIT PETITION NO. 10657 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sow. Meena W/o Rajendra Bhalerao,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra

in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10658 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Dilip S/o Poonamchand Ajmere,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH
WRIT PETITION NO. 10659 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Ramanlal S/o Madanlal Kale,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10661 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Kishor Swarupchand Gangwal
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10662 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),

Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Balchand S/o Karbhari Lakare,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH
WRIT PETITION NO. 1964 OF 2016

Deelip Chunilal Gundecha
(Since deceased Through L.Rs.

1. Umesh Deelip Gundecha
Age: 28 years, Occu.: Business,
R/o Kopergaon, Tq. Kopergaon,
Dist. Ahmednagar.

2. Smt. Jayashree Deelip Gundecha
Age: 64 years, Occu.: Household,
R/o as above. ..Petitioners

VERSUS

1. Hon'ble Minister for Co-operation
Co-operation Department,
Mantralaya, Mumbai.

2. Divisional Joint Registrar,
Co-operative Societies,
Nashik Division, Nashik.

3. The Inquiry Officer
Shri. G.G. Mavale
Balasaheb Satbhai Merchants Co-operative
Bank Ltd., Kopergaon,
Tq. Kopergaon, Dist. Ahmednagar.

4. The Liquidator,
Balasaheb Satbhai Merchants Co-operative
Bank Ltd., Kopergaon,
Tq. Kopergaon, Dist. Ahmednagar. ..Respondents

WITH
WRIT PETITION NO. 10722 OF 2014

The Balasaheb Satbhai Merchants’

Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Jawahar Shantilal Shah
Aged: 47 years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in cop-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,

Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH
WRIT PETITION NO. 10731OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Dilip S/o Punamchand Ajmere,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra

in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32. ...Respondents.

WITH

WRIT PETITION NO. 10732 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sanjay S/o Narayandas Thole,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon’ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10733 OF 2014

The Balasaheb Satbhai Merchants’
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Rameshwar S/o Jagannath Mundada,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants’ Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32. ...Respondents.

WITH

WRIT PETITION NO. 10734 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sanjay S/o Vasantrao Satbhai,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ...Respondents.

WITH

WRIT PETITION NO. 10724 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),

Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Bhagatsingh S/o Dayaram Sonawane,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32

6 Dilip S/o Chnnilal Gundecha,
Aged: Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Vivekanand Nagar, Near
Fatherwadi, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar.

7 Sanjay S/o Vasantrao Satbhai,
Aged: Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Ganpati Chowk, Kapad Bazar,
Kopargaon, Dist. Ahmednagar.

8 Nandkumar S/o Ramchandra Vispute,
Aged: Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Indiapath, 12 Bungalow,
Kopargaon, Dist. Ahmednagar.

9 Ashok S/o Shobhachand Kothari,
Aged: Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Yashwant Co-operative
Housing Society, Kopargaon,
Dist. Ahemednagar.

10 Anant S/o Laxmikant Kulkarni,
Aged: Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Mahur, Oppl. Gokulnagari,
Kopargaon, Dist. Ahemednagar.

11 Sow. Sudha Ashok Tarodi,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Rantawali, Saptarshi Mala,
Kopargaon, Dist. Ahemednagar.

12 Dilip S/o Kanhaiyyalal Sanklecha,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Dwarkamai, Shirdi,
Tq. Rahata, Dist. Ahmednagar.

13 Kishor S/o Swarupchand Gangwal
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o "Ashirwad", Wani Society,
Kopargaon, Dist. Ahmednagar.

14 Rameshwar S/o Jagannath Mundada,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Near Shivaji Statute, Kopargaon,
Dist. Ahmednagar.

15 Dilip S/o Poonamchand Ajmere,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o C/o Jamna Enterprizes,
Post Road, Kopargaon,
Dist. Ahmednagar.

16 Jawahar S/o Shantilal Shah,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Indirapath, Bhagwati Colony,
Kopargaon,Dist. Ahmednagar.

17 Balchand S/o Karbhari Likare,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Tilaknagar, Kopargaon,
Dist. Ahmednagar.

18 Sanjay S/o Narayandas Thole,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Sanjay Medical, Godam Galli,
Kopargaon, Dist. Ahmednagar.

19 Rajendra S/o Manikchand Fulpagar,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Gokulnagari, Kopargaon,
Dist. Ahmednagar.

20 Sow. Meena Rajendra Bhalerao,
Aged Major, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Saraf Bazar, Kopargaon,
Dist. Ahmednagar. ... Respondents

WITH
WRIT PETITION NO. 10725 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Sow. Sudha W/o Ashok Tarodi,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,

Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ... Respondents

WITH
WRIT PETITION NO. 10726 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Dilip S/o Kanhaiyyalal Sankelecha,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,

Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ... Respondents

WITH

WRIT PETITION NO. 10727 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Rajendra S/o Manikchand Phulpagar,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,

The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ... Respondents

WITH

WRIT PETITION NO. 10728 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Kishor S/o Swaroopchand Gangwal,

Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ... Respondents

WITH

WRIT PETITION NO. 10729 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,

Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Nandkumar S/o Ramchandra Vispute,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ... Respondents

WITH

WRIT PETITION NO. 10723 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Balchand S/o Karbhari Lakare,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32 ... Respondents

WITH

WRIT PETITION NO. 10735 OF 2014

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd. Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(Presently under Liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Aged: 46 years, Occ: Service
as Assistant Registrar,
Co-operative Societies, Kopargaon. ....Petitioner

Versus

1 Ashok S/o Shobhachand Kothari,
Aged:------ years, Occ: Business &
Ex-Director of Shri Balasaheb
Satbhai Merchants' Co-operative
Bank Ltd. Kopargaon,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2 Mr. G.G. Mavale,
The Inquiry Officer,
Shri Balasaheb
Satbhai Merchants'Co-operative
Bank Ltd. Kopargaon AND
The Deputy Registrar,
Co-operative Societies, Nasik.

3 The Divisional Joint Registrar,
Co-operative Societies,

Nasik Division, Nasik.

4 The State of Maharashtra,
Through the Secretary
to the Government Maharashtra
in Co-operation, Marketing
& Textile Department,
Mantralaya, Mumbai-32.

5 The Hon’ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai-32
... Respondents

WITH
WRIT PETITION NO. 2024 OF 2016

Deelip Chunilal Gundecha
(Since deceased Through L.Rs.

1. Umesh Deelip Gundecha
Age: 28 years, Occu.: Business,
R/o Kopergaon, Tq. Kopergaon,
Dist. Ahmednagar.

2. Smt. Jayashree Deelip Gundecha
Age: 64 years, Occu.: Household,
R/o as above. ..Petitioners

VERSUS

1. Hon'ble Minister for Co-operation
Co-operation Department,
Mantralaya, Mumbai.

2. Divisional Joint Registrar,
Co-operative Societies,
Nashik Division, Nashik.

3. The Inquiry Officer
   Shri. G.G. Mavale
   Balasaheb Satbhai Merchants Co-operative
   Bank Ltd., Kopergaon,
   Tq. Kopergaon, Dist. Ahmednagar.

4. The Liquidator,
   Balasaheb Satbhai Merchants Co-operative
   Bank Ltd., Kopergaon,
   Tq. Kopergaon, Dist. Ahmednagar. ..Respondents

....

Mr. N.R. Bhavar, Advocate for petitioners and for Respondent No.4 in WP 1964/16 & 2024/16.
Mr. S.S. Bora, Advocate for petitioners in WP 1964/16 & 2024/16.
Mr. S.R. Yadav, A.G.P. for State.
Mr. Sanket Kulkarni, Advocate for Respondent No.1.

....

CORAM : T.V. NALAWADE, J.
DATED : 24st OCTOBER, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent heard learned Counsel for both sides for final disposal.

2. The first thirteen proceedings are filed in respect of first enquiry conducted under Section 88 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as 'the Act') on the basis of the report submitted by the Assistant Registrar, Co-operative Societies for the financial irregularities noticed in Balasaheb Satbhai Merchants Co-

operative Bank Ltd., Kopergaon, District Ahmednagar. Most of the directors were held responsible for loss caused to this bank and the manager was also held responsible in respect of the some transactions by the Assistant Registrar. On the basis of the report submitted by the Assistant Registrar under Section 83 of the Act on 30th July, 2004, the enquiry was conducted under Section 88 of the Act. Most of the directors including the Director Jawahar Shah was held responsible and certificate was issued to recover the amount in respect of which the liability was fixed against him. Similarly, some liability was fixed on the manager in the enquiry. This decision was challenged by Shah and also the manager. The manager succeeded and his appeal came to be allowed. The appeal of Shah came to be dismissed. The decision of appellate authority was challenged both by the bank and Shah before the Hon'ble Minister for Co-operation. The Hon'ble Minister allowed the proceeding filed against the manager and he allowed the revision filed by Shah against the bank. In view of these circumstances, Writ Petition No. 10647 of 2014 is filed by the Bank against Shah and Writ Petition No. 19617 of 2014 is filed by the manager.

3. After completion of the first enquiry, the authority received another report, this time of Special Recovery Officer appointed for this

bank. It appears that the license of the bank was cancelled by the R.B.I., this bank went into liquidation and for winding up an administrator was appointed. The Special Recovery Officer found that there were as many as 212 transactions of loans in which there were serious irregularities and due to that it was not possible to recover the amount of at least of Rs.9,58,78,472/- from the debtor and their sureties. In view of these circumstances, the second enquiry under Section 88 of the Act was started. In this enquiry also most of the directors were held responsible and liability against each of the directors was fixed. Similarly the liability as against the manager was also fixed to some extent. This order of the enquiry under Section 88 was challenged by filing appeal by the manager and also by some directors. The appeal of the manager was allowed but the appeals of the directors came to be dismissed. The aforesaid Jawahar Shah filed revision before the Hon'ble Minister for Co-operation against the order in second enquiry also and in that revision also he succeeded. As appellate authority had allowed the appeal of the manager, the bank challenged that decision in revision and the Hon'ble Minister allowed the revision and set aside the order made by the appellate authority. As Jawahar Shah is exonerated, bank filed Writ Petition No. 10722 of 2014 and as the manager is held liable by the Hon'ble Minister, he has filed Writ Petition No. 2024 of 2016. The bank has filed remaining petitions as all the revisions filed by Directors are allowed by the Hon'ble Minister.

4. The aforesaid circumstances show that these proceedings need to be considered in two groups. Writ Petition Nos. 10647 of 2014 to 10662 of 2014 are from first group as they are in respect of first enquiry conducted under Section 88 of the Act and Writ Petition Nos. 10722 of 2014 to 10735 of 2014 are from second group as they are in respect of second enquiry.

5. It was submitted for Directors by Shah and the manager that under Section 88 of the Act second enquiry was not permissible and the provision of Order 2 Rule 2 of the Code of Civil Procedure can be used for such enquiries also. Other points on the basis of facts were also argued.

6. So far as first group is concerned, in that enquiry, liability is fixed in respect of amount of Rs.42,53,587/- against Shah and liability of Rs.2,26,019/- is fixed as against the manager. They are also directed to bear the expenses in proportion of their liability in the same order.

7. All the directors including Shah were holding the posts as Directors from 04th July, 1998 to 15th March, 2005. The manager was also

working in the bank as the Chief Executive Officer at the relevant time. As arguments are advanced that sufficient opportunity was not given both to the directors and to the manager, this Court has perused the entire record. The record shows that one Adv. Shri. Joshi was initially representing the director Shah and then Adv. S.D. Kulkarni represented him in the enquiry. The same advocate represented most of the other directors. The record shows that so many adjournments were sought by the directors in the first six months of the enquiry and many adjournments were given even to file say. Ultimately after six months, the say came to be filed. Then the charge was framed on 17^{th} January, 2007. So many adjournments were sought to file say in respect of charge also. Adv. Kulkarni represented Shah till the end of the enquiry. On many occasions say was filed and say of Shah is at Exhibits 60, 73 and 101.

8. The charge was framed under separate11 heads which were in respect of different transactions and incidents. The charge and the separate material which is considered by both the enquiry officers and appellate authority in the first group is as under:-

Charge No.1- This was in respect of unnecessary expenditure during the period 2001-2002 under following heads:-

(i) on advertisements which included advertisements for best wishes on birthday occasions and this incident had no connection with the business of the bank;

(ii) stationary items,

(iii) Printing,

(iv) General meetings,

(v) Traveling,

(vi) Sundry expenses and

(vii) functions.

The total amount spent which was unnecessary was around Rs.17,71,777/-.

9. The manager explained that the expenditure was as per the directions given by the chairman and directors and aforesaid expenditure was approved by the director board by way of resolution. The directors took stand that expenditure was necessary and it could not have been avoided. The reasoning given and the material shows that items like pen, diaries, etc were purchased for directors. Most of the expenditure was vaguely shown. Expense were incurred on hiring private car when only one person could have gone to destination by bus or railway.

10. There were directions to curtail the expenditure and the R.B.I. had declared bank as sick. Auditor had also specifically directed to curtail expenditure due to financial condition of the bank. As it is the question of fact and finding was given on the basis of material collected under Section 83 and the finding of enquiry under Section 88 is confirmed by the appellate authority, it was not advisable for the Hon'ble Minister to interfere in these findings without giving any reason. But the Hon'ble Minister has set aside the findings. Hardly the amount of Rs.10,422/- was to be recovered from each director and also from the manager but without giving any reason, the Hon'ble Minister has set aside this order made against the directors. However the order made against manager is upheld and it shows non application of mind by the Hon'ble Minister.

11. Charge No.3: This is in respect of the loan given to the directors and their relatives. Even when there are directions of R.B.I. not to give loan to directors and their relatives, the amount of Rs.347.87 lakhs was due from them as against loan given to them. During the enquiry, Jawahar Shah admitted his liability and he showed readiness to pay entire amount shown to be due against him. The loan was shown to be given to Jayantilal and Brothers, a proprietor concern of Jayantilal Shah – brother of Jawahar Shah. Amount of Rs.5 lakhs was given as loan. Not a single

pie was paid towards principal amount and interest and the amount of Rs.10,97,324/- was due. During the enquiry before the enquiry officer under Section 88 of the Act, Shah admitted his liability and requested to fix the liability only as against him and requested not to fix liability in respect of this amount on other directors. In view of this submission made by Shah, liability in respect of this amount is fixed in the enquiry. Thus even when Shah has admitted his liability under this charge, the Hon'ble Minister has set aside that part of the order also. This again shows non-application of mind by the Hon'ble Minister. It is quasi judicial proceeding but the Hon'ble Minister allowed the revision even when it was not possible to do so and without giving the reasons. In the same manner due to admission of liability by other directors, the liability was fixed on them under this head of the charge.

12. Charge No.5: This is in respect of loan given when there was no security for loan. Most of the loans were given as cash credit loans. There was no verification of existence of any immovable property. When the loan was sanctioned for business, it was not ascertained that amount was properly utilised for the same business. No security of immovable property was taken. Even if it is presumed that they were personal loans, they were more than the amount fixed by the

bye-laws for personal loan or loan to partnership firm. There is limit of three lakhs for personal loan and Rs.5 lakhs to partnership firm but the amount of more than Rs.20 lakhs was sanctioned in many cases. In some cases, the manager had given opinion that there was no security and so it was not desirable to sanction the loan but his opinion was ignored. All these debtors were found defaulters and in the enquiry opinion was formed that it was not possible to recover this amount. Particulars of each such transaction are given in the order made in the enquiry. It appears that to conceal the irregularities, the loan transactions were renewed, when renewal was also not possible as not single pie was paid towards the amount in past.

13. Before the enquiry officer, the manager blamed the directors for decision taken in respect of aforesaid transactions. On the other hand, the director blamed the manager. In the enquiry, the manager was exonerated in respect of the transactions in which he had given adverse opinion. The manager was held responsible only in respect of some transaction where there was no such adverse opinion. Thus the submissions made by the learned Counsel for manager that he ought to have been exonerated in respect of all the transactions is not acceptable. The director board blamed the manager by contending that it was his

duty to verify the record and only after that he is expected to submit the proposal before the director board.

14. The reasoning given by the enquiry officer in respect of transactions mentioned under this charge shows that, director Nandkumar Vispute accepted the liability in respect of five transactions as he had made recommendations in respect of those five transactions. Director Sanjay Satbhai accepted his liability in respect of seven transactions as he had made recommendation for those seven transactions. In thirteen transactions it was found that movable properties were available and recovery under Section 101 and 91 of the Act was possible. Action was also already taken. In respect of three transactions there was decision of Co-operative Court and the Court had given installments to the debtors. In view of these circumstances, those transactions are excluded and no liability is fastened either on Shah or on manager. Only in respect of 18 out of 33 transactions, the liability is fixed on Shah. Shah was absent in one meeting in which loan was sanctioned to Tirupati Distributors and amount of Rs. 25,85,323/- is due from Tirupati Distributors. No liability is fastened in respect of this amount also on Shah. Thus all the relevant circumstances and material is considered by the enquiry officer. Inspite of these circumstances, Hon'ble

Minister has observed that opportunity was not given to Shah. Thus there was non-application of mind in respect of those findings also by the Hon'ble Minister. There was evidence given by the manager against Shah and other directors in respect of aforesaid transactions and there were his adverse reports. Thus it was not possible to interfere in the concurrent findings given by two authorities in revision to set aside the liability fixed under this charge also. In similar manner, other directors were held responsible by the enquiry officer.

15. Charge No.6: it is in respect of sundry advances. The amount was given to two advocates for court expenses. Some amount was given to some employees. There was approval of board of directors for giving such advances. This amount is not recovered and there is report that it cannot be recovered. In view of these circumstances, joint and several liability is fastened. There was no possibility of interference in this finding also in the revision.

16. Charge No.7: One Mr. Padiyar was employed as cashier in this bank since 1993. He worked as cashier in many branches of the bank. At least in three branches when he was posted there was other cashier working and so there was no work for Padiyar. The amount

of Rs.68,725/- was given by cash to Padiyar from the year 2004 to 2006 as salary but no record of receipt in respect of those cash payment was available. There was also no record of work done by Padiyar during this period. Thus when Padiyar had not done any work, no action was taken against him. The amount was shown as paid to Padiyar and there was no receipt obtained from Padiyar even when payment was shown made in cash. In respect of this amount, the liability is fixed only against the manager and said Padiyar. Shah is not held responsible. The bye-laws show that it is the duty of the manager – the Chief Executive Officer to supervise all employees. It is not open to manager to say that all aforesaid things were not within his knowledge. Thus, the Hon'ble Minister has rightly set aside the order of appellate authority by which the manager was exonerated. There is no possibility for interference in the order made by the Hon'ble Minister in respect of the liability fixed on manager under this charge.

17. Charge No.11: This is in respect of the penalty amount which the bank was required to pay due to not maintaining the ratio of SLR – Security Liquidator Ratio. The loans were not recovered and huge amount was there as non recoverable. In view of these circumstances, fine of Rs.3,45,008/- was required to be paid by the bank as per R.B.I.

Directions. In respect of this amount all directors and the manager are held jointly and severally sufficient responsible in the enquiry. Each will be required to pay Rs.10,422/-. In the enquiry conducted under Section 83 and also enquiry conducted under Section 88 nothing was shown by directors and the manager to show that sufficient steps were taken for recovery of the amount. There were many irregularities. Even when no amount was paid in respect of previous loan, the loans were renewed. In view of these circumstances, there was no room to escape from the liability fixed under this head. Thus there was no room to the Hon'ble Minister to set aside the order made against Shah under this head. Surprisingly the Hon'ble Minister has held manager responsible in respect of this amount, but Shah is exonerated. The last item is in respect of contribution towards expenditure incurred of the enquiry and the amount of Rs.2,000/- is to be paid by Shah and the total cost of enquiry is said to be Rs.50,000/-. Considering the nature of enquiry and the amount spent on enquiry, it can be said that this amount is not on higher side and so interference in respect of this finding is also not possibile.

18. So far as Writ Petition No. 10661 of 2014 as against Kishor Gangwal is concerned, the facts of this proceeding are similar to the facts of Shah. His revision is allowed by the Minister and the concurrent

findings of enquiry officer and the appellate authority are set aside. In the case of Gangwal also it can be said that sufficient opportunity was given to him to defend the charge. He was also represented by the same advocate.

19. This director is directed to pay amount of Rs.10,422/- under the head of unnecessary expenditure made by the bank. Whatever is observed in respect of Shah is applicable in his case also.

20. In respect of Charge No.3, loan taken by the director or by relatives of the director, it can be said in the present matter that loan was taken by this director in the name of Asha. He had also admitted before the enquiry officer that it was his responsibility to make payment of amount due from Asha and he had requested not to hold other directors responsible in respect of this amount. The amount due from Asha was of Rs.90,613/-. Thus the finding is given against this director on the basis of admission given before the enquiry officer and so there was no room to set aside this finding.

21. Under head 5 of the charge, loan given when no security was there, the observations made in the matter of Shah are also applicable

against Gangwal. In his case also only those transactions are considered against him in which he had some concern. He was present in the meeting in which loan was sanctioned to Deepali Salunke (Rs.7,82,64,000/-), Sudhir Ahire (Rs. 19,87,094/-) and Vinod Zazari (Rs.43,860/-) and he and other directors present in the meeting when loan was sanctioned are held jointly and severally responsible to pay this amount. It is already observed that there was no security taken for giving loans and these loans are from that category. The findings were on facts and there were concurrent finding. The Hon'ble Minister was not expected to interfere in that finding. There was no scope to say that proper procedure was followed as there was no security taken for giving this loan.

22. In respect of Charge under head 6, sundry expenses, whatever is observed against Shah is applicable against the director Gangwal also. This was also finding on facts and there was no possibility of interference in this finding.

23. In respect of Charge No.11, the penalty due to increase in NPA and not maintaining SLR ratio, whatever is observed against Shah is also applicable against other directors also. Thus it was not possible to

interfere in the findings given in respect of this responsibility also.

24. Writ Petition No. 10648 of 2014 is filed by bank against Sanjay Thole - Director like aforesaid Shah. In the first enquiry conducted under Section 88 of the Act, the liability of Rs.17,06,715/- was fixed and he was also made liable to pay his contribution towards amount spent on the enquiry like Shah. Like in case of Shah, the transactions which were sanctioned in the absence of Thole are excluded and liability is fixed in respect of other transactions. Reasoning given for setting aside the order of Hon'ble Minister in revision filed by Shah are applicable in this case also and so this petition also needs to be allowed. Same is the case in respect of Bhagatsingh Sonawane who succeeded before the Hon'ble Minister in revision and against whom Writ Petition No. 10649 of 2014 is filed. For the same reasons order made by Hon'ble Minister in favour of Bhagtatsingh Sonawane also needs to be set aside. He is made liable to pay Rs.31,56,263/- and also his share in the expenses of the enquiry. For the same reasons, the order made by Hon'ble Minister in his favour needs to be quashed and set aside by allowing the petition filed by the bank.

25. Writ Petition No. 10650 of 2014 is filed against Dilip Sanklecha who was also a director like Shah and is made liable to pay amount of Rs.33,40,929/- and also his contribution in the expenses of

enquiry. For the reasons which are given in respect of Shah, this Court holds that this proceeding also needs to be allowed for setting aside the order made by Hon'ble Minister in favour of Dilip Sanklecha.

26. Writ Petition No. 10651 of 2014 is filed against the director Nandkumar Vispute who is exonerated by the Hon'ble Minister by allowing his revision. The liability of Rs.92,65,543/- is fixed on him in respect of transactions and he is also made liable to pay his contribution in the expenses. For the same reasons, this Court holds that order of Hon'ble Minister cannot sustain in law and it needs to be set aside.

27. Writ Petition No. 10652 of 2014 is filed against the director – Sau. Sudha Ashok Tarode. The liability of Rs.11,08,489/- was fixed by the enquiry officer and she was also directed to bear the expenses of enquiry like in other cases. For the same reasons, this Court holds that order made by the Hon'ble Minister in her favour needs to be set aside.

28. Writ Petition No. 10653 of 2014 is filed against Ashok Kothari. The enquiry officer had fixed the liability of Rs.80,83,506/- and he was also asked to contribute towards expenses of the enquiry. For the same reasons, this Court holds that the order made in his favour by the Hon'ble Minister needs to be set aside by allowing this petition.

29. Writ Petition No. 10654 of 2014 is filed against Rajendra Fulpagar. The enquiry officer had held him liable in respect of amount of Rs.51,13,518/-. He was also made liable to pay his contribution in the expenses made for the enquiry. For the same reasons, this Court holds that order of Hon'ble Minister cannot sustain in law and by allowing this petition the order needs to be set aside.

30. Writ Petition No. 10655 of 2014 is filed against Sanjay Satbhai. The enquiry officer had held him responsible in respect of amount of Rs.1,32,72,375/-. He is asked to contribute in the expenses incurred for the enquiry. For the same reasons, this Court holds that order made by the Hon'ble Minister in favour of this director cannot sustain in law and said order needs to be set aside by allowing the writ petition filed against him.

31. Writ Petition No. 10656 of 2014 is filed against Rameshwar Mundada. The enquiry officer had held him liable in respect of amount of Rs.44,77,752/-. He was also held responsible to pay his contribution in the expenses of the enquiry. For the same reasons, this Court holds that order made by the Hon'ble Minister in his favour cannot sustain in law

and the said order needs set aside by allowing this petition.

32. Writ Petition No. 10657 of 2014 is filed against Meena Rajendra Bhalerao. The enquiry officer had directed her to pay the amount of Rs.56,04,050/- and the share in the expenses of the enquiry. For the same reasons, this Court holds that order made in her favour by the Hon'ble Minister cannot sustain in law and by allowing writ petition the said order needs to be set aside.

33. Writ Petition No. 10658 of 2014 is filed against Dilip Ajmere. He was held responsible by the enquiry officer in respect of amount of Rs.14,31,195/-. He was also directed to pay his contribution towards expenses incurred in the enquiry. For the reasons already given, the order made by the Hon'ble Minister in his favour also cannot sustain in law and same needs to be set aside by allowing the petition filed by the bank.

34. Same is the case in respect of Writ Petition No. 10659 of 2014 which is filed against Ramanlal Kale. As per the enquiry report of the enquiry officer, he needs to pay megre amount as he was not found involved in many transactions. For the same reasons, this Court holds

that the order of Hon'ble Minister made in his favour cannot sustain in law and it needs to be set aside by allowing the petition filed against him.

35. Writ Petition No. 10662 of 2014 is filed against Balchand Lakare. The enquiry officer had fixed the liability in respect of amount of Rs.33,42,332/- and he was made liable to pay Rs.2,000/- as expenses of the enquiry. For the same reasons, this Court holds that the order made by the Hon'ble Minister in his favour in revision needs to be set aside and so the petition needs to be allowed.

36. All the aforesaid directors have filed civil applications in the petitions and they have prayed for modification of interim order made by this Court. When this Court is allowing the proceedings filed by the bank against these directors, there is no question of continuation of the stay or modification of interim order already made by this Court. Thus all the civil applications need to be disposed of as infructuous.

37. In Writ Petition No. 1964 of 2016, the manager has challenged the decision given by the Hon'ble Minister against him. He is held responsible for unnecessary expenditure of Rs.10,422/-. Whatever is observed against Shah and other directors by this Court is applicable

against him. Actual expenditure is made by employees though on the basis of instructions given by the directors. It was his duty also to see that unnecessary expenditure is not made. Thus, Hon'ble Minister has rightly held that he was also responsible for making unnecessary expenditure.

38. The manager is directed to pay amount of Rs. 1,403/- as interest amount which is on the amount paid as advance for purchasing items like computers. The relevant facts are considered by the enquiry officer. They show that before actually making purchase, advance amount was given. The interest is calculated in respect of period for which the material was not supplied. It was the duty of the manager to see that such amount is not paid by advance as material is available in the market and in ordinary course the payment could have been made on delivery. Thus the enquiry officer had not committed any error in directing the manager to pay the interest on the amount given as advance. Appellate authority has committed error in setting aside that order. The Hon'ble Minister has corrected that order and so there is no possibility of interference in the order made by the Hon'ble Minister in the revision.

39. The manager is directed to pay Rs.1,58,336/- and that amount is in respect of loan sanctioned when there was no sufficient security.

Learned Counsel for manager submitted that the manager had put up adverse note but his note was ignored and director board made the case as special case and so manager cannot be held responsible in respect of this amount. This proposition is not acceptable. This Court has carefully gone though the order made by the enquiry officer. He has not fixed the liability in respect of transactions in which adverse note was put up by the manager. This amount is in respect of those transactions in which there was no security taken and due to that it is not possible to recover the loan. It was finding of fact on at the basis of material. The appellate authority has not considered the material and the discussion made by the enquiry officer in respect of material. This mistake committed by appellate authority is corrected by the Hon'ble Minister and so there is no possibility of interference in this part of the order made by the Hon'ble Minister.

40. The manager is directed to pay amount of Rs.1,176/- as sundry advances given to the employees and to others. Discussion is already made in respect of these advances. The managing committee members are also held responsible as the amount is not recoverable and the manager is expected to contribute Rs.1,176/-. On facts it was not possible to interfere in the order made under this head by the enquiry

officer and so the Hon’ble Minister has corrected the mistake.

41. The manager is directed to pay penalty, his contribution in the penalty, this point is already discussed when the matter against Shah is discussed. The manager was also responsible for not taking steps for recovery of the loan and it can be said that he has also contributed in not maintaining SLR ratio and increase of NPA. The manager cannot say for such liability that direction was given by the managing committee. To avoid such liability he is expected to put up the note and is expected to take steps. If he is able to show that director prevented him from taking such steps then he can say that he is not liable to pay the part of the penalty. Such is not the case of manager and it can be said that he helped directors and due to that the amount due to bank was not recovered. Thus it was not possible to interfere in this of order and Hon’ble Minister has rightly corrected the order made by the appellate authority.

42. Like the directors, the manager is expected to pay contribution in respect of expenses of enquiry and this amount is hardly Rs.2,000/-. This Court holds that it was not possible to set aside this part of the order also for appellate authority and the Hon’ble Minister has rightly held that he is liable to pay this amount also.

43. The Divisional Joint Registrar had held that there were no specific charges against the manager for what he was responsible. The Divisional Joint Registrar had further held that the manager was only to execute the resolutions of managing committee. He had observed that there was his adverse note in respect of transactions in which the loan was sanctioned. He had observed that only execution of resolution does not amount to misapplication or even breach of trust. The Divisional Joint Registrar did not consider bye-law no. 14(b)(7) of the bank. This bye-law shows responsibility of the manager to make his own proposal on the basis of material. The enquiry officer had not fastened liability on the manager in respect of transaction in which he had put up adverse note. He cannot escape from liability and he was involved in the resolutions made by the director board in other cases. Thus the Divisional Joint Registrar had committed error in holding that the manager had given adverse opinion in respect of all the transactions due to which loss is caused to bank. This error is corrected by the Hon'ble Minister so it is not possible to interfere in the decision given by the Hon'ble Minister.

GROUP II

44. Writ Petition No. 10722 of 2014 is filed by the bank against

aforesaid Shah. In this matter as already observed second enquiry was made on the basis of circumstances already mentioned. At the outset it needs to be mentioned that the proposition that second enquiry is not possible is not acceptable in law. Every time irregularities are noticed in respect of transaction they can be enquired into and that maynot be necessarily on the basis of enquiry made under Section 83 or audit report. Under Section 88, enquiry is possible 'otherwise' also. The discussion made hereinafter will show that the transactions which were enquired into in the first enquiry were totally different than the present enquiry.

45. Report was received from Special Recovery Officer after appointment of administrator that he had noticed at lease 212 loan transactions in which the recovery of total amount of Rs.9,58,78,471/- was not possible. The enquiry officer compared this report with previous enquiry report and he found that enquiry was already held in respect of loan transaction of Sachin Thoke, Jagannath Seth, Vinayak Jagtap and Macchindra Kahandal. As these transactions were considered in previous enquiry, they were excluded from present enquiry by the enquiry officer. Eight transactions were found to be mentioned two times in the report and so these transactions were also excluded by the enquiry officer. Thus enquiry was made into 200 transactions and the amount due was around

Rs.8,90,63,897/-.

46. Show cause notice was issued by enquiry officer and during the enquiry he considered the record like audit report, report of special recovery officer and also evidence given by the manager of the bank. Charge was framed in respect of these 200 transactions only.

47. Respondent of Writ Petition No. 10722 of 2014, Mr. Shah was admittedly the director from 1998 to 2005. The charge was under following heads:-

(i) No security was taken from debtors.

(ii) In some cases, security taken was insufficient.

(iii) Even when debtor was having immovable property, no step was taken to direct him to give security of immovable property.

(iv) No record like license of business was taken to ascertain that the debtor was really doing that business.

(v) No record or material of the business of the debtor was verified when loan was given and so there was no verification about the security.

(vi) Many debtors to whom cash credit loans were given were not having capacity to repay and some debtors were not at all traceable and so not it was not possible to recover the amount due from those debtors.

48. Mr. S.D. Kulkarni, Advocate represented Mr. Shah before the enquiry officer throughout. When show cause notice was issued on 25th October, 2007, appearance was filed on 23rd November, 20107 and say came to be filed on 22nd December, 2007. Here only it is necessary to mention that there is one proceeding filed by the manager, Writ Petition No. 2024 of 2016 and the manager was also represented by one advocate before the enquiry officer.

49. The manager took the defence that he had no role in process of sanction of loan and he was expected only to execute the resolutions made by the managing committee. On the other hand the directors like present Respondent No.1 took stand that the manager had created false record to show that he had already given adverse opinion. It was also the contention of the managing committee that no real attempt was made to recover the amount by filing proceeding under Section 91 and 101 of the

Act. It was also submitted that some transactions were more than five years old and so enquiry was not possible under Section 88 of the Act.

50. The reasoning given and the record show that relevant documents were supplied to directors and manager. Inspection of the entire record was also allowed. It is already observed that the manager was examined. The manager was cross-examined by advocate for Respondent No.1 but Hon'ble Minister has observed that opportunity to cross examine the witness was not given. The record shows that during enquiry allegations were made. Allegations were made even against the enquiry officer by the directors. Every attempt was made to protract the order which can be made under Section 88 of the Act. Ultimately the order came to be made on 13th March, 2008. Present respondent – Shah had filed say on different occassions and the say were at Exhibits 18, 75, 107, 115 and 138. Other directors had also filed say.

51. The enquiry officer considered the bye-laws which are relevant to take decision against the manager. Said bye-laws are already quoted for previous group. It is true that there is power to the managing committee to sanction loan but the bye-law shows that manager needs to follow the procedure like scrutiny of the application and the documents

filed alongwith the application and only after that he has to put up his opinion. He was expected to consider and verify the capacity of the applicant when cash credit loan was claimed. Thus if the applications were not in accordance with the rules and manager had not verified the things, the liability can be fastened on manager also.

52. The enquiry officer perused the entire record and noticed that many applications were not as per format given for applying for loan. There were many discrepancies. In many cases the relevant information in the form was not filled. The information with regard to surety was not filled and in many cases there were no signatures of surety. Some applications for loan were found on simple paper having few request lines for loan and on such applications the loan of Rs.10 to 20 lakhs was claimed and it was sanctioned. The enquiry officer found that some debtors were not even the members when applications were made. The applicants had not produced no dues certificate of other co-operative institutions of that area. In some cases vegetables and fruits were shown as security for taking loan when loan was sanctioned to persons who wanted to do business of purchasing vegetables from farmers. There was no security with him. In one case two very old trucks were accepted as security and it was not possible to get anything from the trucks. In one

case when loan was given for medical profession, the loan was shown to be given on the basis of medicines which were shown as security. In most of the cases there were no license in respect of the business. Similarly, when application for renewal of loan was made, it was made on simple paper. When these persons had not paid anything towards previous transactions, the loans were shown to be renewed. When applicant was defaulter in respect of loan of Rs.10,000/- in past, loan of Rs.1,00,000/- was sanctioned to him. On some occasion, when manager had recommended Rs.25,000/-, loan of Rs.3,00,000/- was given.

53. In addition to the aforesaid circumstances noted by the enquiry officer, there was one more circumstance before the enquiry officer like report submitted by Special Recovery Officer that it is not possible to recover the aforesaid amount. The transactions in which there was renewal of previous loan transaction during the period of five years are considered and only those transactions which were falling within this period are considered by the enquiry officer and so there is no force in submission that transactions which were older than five years are considered. The transactions were of the period 30th March, 2002 to 30th March, 2007 when the enquiry was started in the year 2007. Transactions which were of previous period like transaction of debtor

Nikambh and Vimal Wagh are excluded by the enquiry officer. During the enquiry when it was found that it was possible to recover amount under Section 101 of the Act, those twelve transactions are also excluded by the enquiry officer. Thus it cannot be said that relevant material was not considered by the enquiry officer and sufficient opportunity was not given. The submissions which were made by learned Counsel for director and manager are quoted by the enquiry officer and in some cases the submissions are accepted and transactions are excluded.

54. So far as responsibility of manager is considered, it can be said that in respect of thirty-five transactions in which there was adverse opinion given by the manager, no liability is fastened on the manager. Thus every aspect of the matter is considered by the enquiry officer.

55. The record shows that in respect of most of the transactions in which loan was given to the directors or their relatives, record of renewal was created in last month of the term of the loan. It was shown that the amount due was credited by cheque when in the past nothing as principal amount or interest was paid in the account by the debtor. On the basis of this cheque loan was shown to be renewed but the cheque was returned without encashment and cheque amount was then shown as amount due

in the renewed loan account. Such thing is possible only when staff joins hands with the directors.

56. When personal loan limit was Rs.2 lakhs and it was Rs.3 lakhs for partnership, the loan of Rs.20 lakhs was given as personal loan on false record. There were at least 34 such transactions and amount of Rs.4,74,08,168/- is due in respect of those transactions. These loan transactions are shown as special cases by the managing committee. It is not possible to recover those amounts.

57. As per the directions of R.B.I., when loan is sanctioned to a member, he is required to purchase share capital in a particular percentage of loan amount but no such amount was deducted from the loan disbursed. Due to such irregularity, share capital did not increase. At least that amount could have been saved.

58. Another modus operendi used was of cheque purchase. Fraud was actualy played and loss was caused to the bank. Before encashment of cheque, amount was shown in account and then amount was given in cash as amount withdrawn. This circumstance shows that both the directors board and manager were acting together and manager cannot

say that he was executing the resolution of boar of directors.

59. One irregularity was noticed like passing resolutions in the meeting when there was no coram. In twenty-one such cases when there was no coram, loans were sanctioned. In view of the aforesaid circumstances, it can be said that this was also serious irregularity. It can be said that attempt was made to see that loan was hurriedly sanctioned, when some persons likely to take objection were absent. The liability on the directors who were absent is not fixed.

60. The enquiry officer noticed that there were many such loan transactions in which debtor had become surety to the person who had stood surety in respect of his loan transactions. In many cases the sureties were accepted from family of the debtor and due to that the amount is not recoverable now. The reasoning given by the enquiry officer shows that liability is fixed on directors only in respect of those transactions which were approved by directors by remaining present in the meetings. Similarly liability of the manager is ascertained on the basis of record of recommendation. Everything is matter of record and there was also report of Special Recovery Officer that it is not possible to recover that amount. In such cases, it is not open to directors or manager to say that

first proceeding needs to be taken under Section 91 and 101 of the Act and only after the result of such proceeding, action can be taken under Section 88 of the Act.

61. The aforesaid record shows that fullest opportunity was given to the directors and manager and they were represented by their learned Counsels. The witnesses were cross examined by the counsels of the directors and manager. Even if these circumstances are there, Hon'ble Minister has observed that sufficient opportunity was not given and principles of natural justice were not followed. Thus, order of the Hon'ble Minister shows that there was non application of mind. Considering the scope of revision jurisdiction, it was not possible to set aside the aforesaid findings given by the enquiry officer which were confirmed by the appellate authority.

62. The appellate authority had set aside the order made against the manager by giving reasons like there was his adverse opinion and he was only executing the resolutions made by the managing committee. The relevant bye-law no. 40(b)(7) is already quoted. This bye-law and responsibility of the manager were not considered by the appellate authority. This Court holds that the Hon'ble Minister rightly corrected the

error made by the appellate authority and liability is fastened on manager also as per the order made by the enquiry officer.

63. One more irregularity was argued by the learned Counsel for bank. He submitted that opportunity was not given to the bank to argue by Hon'ble Minister. There is no need to discuss this point in detail in view of aforesaid circumstances, when bank is succeeding.

64. Writ Petition No. 10723 of 2014 is filed by bank against Balchand Lakare. He is made liable to pay Rs.28,82,469/- and he is expected to pay amount like Rs.8,000/- as his contribution in the enquiry. For the reasons already given in respect of proceeding filed against Shah, this Court holds that the order made by the Hon'ble Minister in favour of Balchand Lakare also cannot sustain in law and so this petition needs to be allowed.

65. Writ Petition No. 10724 of 2014 is filed against the director – Bhagatsingh Sonawane. He is made liable to pay Rs.26,27,152/- and his contribution for the expenses is like aforesaid cases of Lakare and Shah. For the same reasons, this Court holds that the order made by Hon'ble Minister in is favour cannot sustain in law and it needs to be set aside by

allowing the writ petition filed by bank.

66. Writ Petition No. 10725 of 2014 is filed against Sudha Tarodi. She is made liable to pay amount of Rs.18,52,965/- and her contribution in the expesnes of enquiry. For the same reasons, this Court holds that the order made by Hon'ble Minister in her favour needs to be set aside.

67. Writ Petition No. 10726 of 2014 is filed against Dilip Sanklecha. He is directed to pay Rs.28,82,469/- and his contribution in the expenses of enquiry. For the same reasons, this Court holds that the order made by the Hon'ble Minister in his favour in revision needs to be set aside and for that writ petition needs to be allowed.

68. Writ Petition No. 10727 of 2014 is filed against Rajendra Fulpagar. He is directed to pay Rs.20,07,106/- and his contribution in the expenses of the enquiry. For the same reasons, this Court holds that the order made in his favour by the Hon'ble Minister needs to be set aside and so petition needs to be allowed.

69. Writ Petition No. 10728 of 2014 is filed against Kishor Gangwal. The enquiry officer directed him to pay Rs.10,75,772/- and he

is also required to contribute in the expenses of the enquiry. For the same reasons, this Court holds that order of the Hon'ble Minister needs to be set aside and the petition filed by the bank needs to be allowed.

70. Writ Petition No. 10729 of 2014 is filed by bank against Nandkumar Vispute. The enquiry officer has directed him to pay Rs.28,82,469/- and his contribution in the expenses of the enquiry. For the same reasons, this Court holds that order made by the Hon'ble Minister in his favour cannot sustain in law and it needs to be set aside by allowing the petition.

71. Writ Petition No. 10731 of 2014 is filed against Dilip Ajmere by the bank. The enquiry officer has directed him to pay Rs.21,08,273/-. He is also expected to contribute in the expenses for enquiry. For the same reasons, this Court holds that petition filed against him needs to be allowed and order made by the Hon'ble Minister needs to be set aside.

72. Writ Petition No. 10732 of 2014 is filed against Sanjay Thole. The enquiry officer has directed him to pay Rs.12,83,612/- and his contribution in the expenses of the enquiry. For the same reasons, this Court holds that the order made by Hon'ble Minister in revision in his

favour needs to be set aside and for that the petition needs to be allowed.

73. Writ Petition No. 10733 of 2014 is filed against Rameshwar Mundada. The enquiry officer has directed him to pay Rs.20,92,753/- and his contribution in the expenses of enquiry. For the same reasons, this Court holds that the order made by the Hon'ble Minister in his favour needs to be set aside and for that petition needs to be allowed.

74. Writ Petition No. 10734 of 2014 is filed against Sanjay Satbhai. The enquiry officer has fixed the liability of Rs.28,82,469/- and is directed to pay his contribution in the expenses of enquiry. For the same reasons, this Court holds that petition filed by bank needs to be allowed and order made by the Hon'ble Minister in his favour needs to be set aside.

75. Writ Petition No. 10735 of 2014 is filed against Ashok Kothari. The enquiry officer has directed him to pay Rs.9,84,472/- and his contribution in the expenses for the enquiry. For the same reasons, this Court holds that the order made by the Hon'ble Minister in his favour needs to be set aside and for that purpose petition needs to be allowed.

76. In the result, the petitions filed by the bank are allowed. Petitions filed by manager are dismissed. Rule is made absolute in the proceedings filed by bank. Rule is discharged in the proceedings filed by manager.

(T.V. NALAWADE, J.)

SSD