

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

WRIT PETITION (STAMP) NO.12684 OF 2016

Shri. Nandkumar Shamrao Tivale and others .. Petitioners

Versus

Authorised Officer

Shri. Balbhim Co-op. Bank Ltd. and others .. Respondents

Mr. A. B. Borkar, for the Petitioners.

Mr. S. D. Rayrikar, AGP for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 3rd MAY 2016

PC.

1. The Petitioners aggrieved by the fact that their application for stay is not being considered by the Revisionary Authority i.e. the Divisional Joint Registrar, Kolhapur, have invoked the writ jurisdiction of this Court. Though by prayer clause (b), the Petitioners have sought stay of the proceedings under Section 88 of the Maharashtra Co-operative Societies Act, 1960 (for short “the said Act”). The Learned Counsel for the Petitioners Mr. A. B. Borkar states that the Petitioners would be satisfied if a direction is issued to the Revisionary Authority i.e. the Divisional Joint Registrar, Kolhapur, to hear and decide the said stay application within a

particular time frame. The cause for filing the Revision Application by the Petitioners was the fact that the proceedings under Section 88 of the said Act are initiated against the Petitioners who are the erstwhile directors of one Shri. Balbhim Co-operative Bank Ltd., Kolhapur which is now merged with Apna Sahakari Bank Limited which is a multi-state co-operative society. It is therefore the contention of the Petitioners that no proceedings against them can be initiated under Section 88 in view of the merger that has taken place.

2. Be that as it may, since the application for stay filed by the Petitioners is pending, in my view, it would be just and proper to direct the Revisionary Authority i.e. the Divisional Joint Registrar, Kolhapur, to hear and decide the Petitioners stay application within four weeks from date. Till the stay application is decided, the Authorized Officer i.e. the Respondent No.1 not to proceed with the enquiry under Section 88 of the said Act. Needless to state that the stay application would be decided on its own merits and in accordance with law and the fact that the Authorized Officer is directed not to proceed with the enquiry under Section 88 of the said Act should not be construed as any expression of opinion on the merits of the case of the Petitioners. With the aforesaid directions, the Writ Petition is disposed of.

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3. The Petitioners to appear before the Divisional Joint Registrar, Kolhapur Division, Kolhapur with a copy of this order on 09.05.2016 at 12.00 p.m.

[R.M. SAVANT, J]