

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2287 OF 2016

Shri Dhanajirao Ramchandra Renushe and Anr.] ... Petitioners

Versus

Bhandari Co-Op. Bank Ltd, Through Liquidator]
and Ors.] ... Respondents

Mr. Ravindra Lokhande for Petitioners.
Mr. Vijay Mayekar for Respondent No.1.
Mr. A. R. Metkari, AGP, for Respondent No.2.

CORAM :- M. S. SONAK, J.
DATE :- FEBRUARY 22, 2016

P. C. :-

1. **Not on board. Upon production, taken on board.**
2. The order impugned in this petition is a show cause notice dated 30/09/2011. The only explanation for inordinate delay and laches in filing this petition is that the petitioner was pursuing the remedy before the Inquiry Officer on the ground of maintainability and till date, the issue of maintainability is not decided. This explanation is hardly satisfactory, particularly considering that the delay in the present case is virtually of over five years.

3. The learned Counsel for petitioner seeks liberty to furnish additional material in respect of the delay. Considering the quantum of delay i.e. five years in this case, if there was really any explanation, the same should have been pleaded by the petitioner upfront. The request which the learned Counsel for petitioner makes at the stage when this order was being dictated, hardly inspires any confidence. Adjournment cannot be granted to the petitioner for now inventing some reason for the delay and thereafter placing the same on record.

4. Accordingly, no case is made out to entertain the present petition.

5. The Inquiry Officer is directed to proceed with the matter, including by way of deciding the issue of maintainability as well as all other issues which arise in the matter. The extraordinary remedy under Article 226 of the Constitution of India cannot be availed by a petitioner who has been indolent in the matter or has slept over his rights. However, in case any final orders are made by the Inquiry Officer, the petitioner will obviously have alternate remedy as provided under the statute. This is additional reason for not entertaining the present petition.

6. The learned Counsel for petitioner points out that there are 20 other persons who are in the same position. At this stage, it is premature to comment about whether or not the 20 petitioners have approached this Court within reasonable time or not. The petition is therefore dismissed. There shall be no order as to costs.

7. The petitioner is directed to produce authenticated copy of this order before the Inquiry Officer within 15 days from today.
8. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)