

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

**REVIEW APPLICATION NO.58 OF 2016
IN
WRIT PETITION NO.2287 OF 2016**

Dhanajirao R. Renushe & Ors. ..Applicants

V/s.

Bhandari Co-op. Bank Ltd. & Ors. ..Respondents

Mr.R.A. Lokhande for the applicants/petitioners.

None present for respondents.

CORAM : M.S. SONAK, J.

DATE : 18th APRIL, 2016.

P.C.

1. The petitioner has not succeeded in demonstrating any error appearant on face of record in the order dated 22nd February 2016.

2. The contention of the petitioner is that along with the show cause notice dated 30-09-2011 the petitioner had also challenged the chargesheet dated 02-05-2015 in the petition. Therefore, according to him, the delay in this case was not of five years.

3. There is no substance in this contention. The petitioner, has squarely challenged the show cause notice dated 30-09-2011. From this date, the delay is indeed for more than five years. The challenge to the charge sheet as well as to the show cause notice is on the ground that the respondent has no jurisdiction to proceed against the petitioner.

4. That apart, there is one more reason on account of which, this review petition need not be entertained. The charge-sheet merely requires the petitioner to face proceeding under section 88 of the Maharashtra Co-operative Act 1960. If ultimately, any adverse orders are made under section 88 of the said Act, the petitioner has a right to question the same by instituting the substantial appeal under section 152 of the said Act. This is additional reason as to why the very petition instituted by the petitioner was not required to be entertained.

5. It is however, made clear that this Court has not examined the merits of the matter and therefore, all contentions of all parties, including in particular the

contentions of the petitioners as to the applicability of the provisions under section 88 of the said Act are specifically kept open.

6. The aforesaid observation, the Review Petition is dismissed. There is no order as to costs.

(M.S. SONAK, J.)