

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

WRIT PETITION NO.5161 OF 2015

Ramesh s/o. Gangaram Bhalkar,
Age : Major, Occ. Business,
At post – Bhushan Nagar,
Garkheda Parisar,
Aurangabad
and others

..Petitioners

Vs.

The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya,
Mumbai – 32
and others

..Respondents

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Mr.S.B.Talekar, Advocate for petitioners
Mrs.Vaishali Patil, AGP for respondent nos.1 to 5
Mr.S.B.Deshpande, A.S.G.I. for respondent no.7

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATE : MARCH 14, 2017**

ORDER :

Heard.

2. Mr.Talekar, learned Counsel for the
petitioners states that though action was
initiated under the provisions of the Maharashtra

Protection of Interest of Depositors (in Financial Establishment) Act, 1999 ("the M.P.I.D. Act", for short) against respondent nos.8 and 9, no effective steps are being taken against them under the provisions of Section 5 of the M.P.I.D. Act. The authorities are required to proceed within thirty days as per Section 5(3) of the M.P.I.D. Act, however, the authorities have not proceeded further.

3. The learned AGP states that an application under Section 5(3) of the M.P.I.D. Act has been moved by the authorities. The same is now kept on 23.03.2017 for further hearing. The copies of the said application are also issued to the accused persons and they have sought time for filing say.

4. The present Writ Petition is filed in the year 2015 and we had asked about the steps being taken by the authorities under the provisions of the M.P.I.D. Act. In the present Writ Petition,

this Court has passed various orders. Even in order dated 21.02.2017, we have observed that the Government is proceeding with the proceedings filed under the M.P.I.D. Act at snails-pace and it was expected that the Government would take immediate steps and would exhibit seriousness in proceeding with the said proceedings under the M.P.I.D. Act.

5. Today, the learned AGP has placed on record a copy of the application moved under Section 5(3) of the M.P.I.D. Act in Special (MPID) Case No.03/2014. The said application is moved on 09.03.2017. It appears that only because the orders are passed in this Writ Petition, further steps are taken by the Government. It is stated that the said proceedings are now kept for further hearing on 23.03.2017.

6. We expect the authorities to prosecute the said proceedings diligently and that the interested persons would not be required to

approach this Court even for an order regarding expeditious conduct of the said proceedings. As, now, steps are being taken, we hope and trust that the application filed under Section 5(3) of the M.P.I.D. Act would be taken to its logical end expeditiously by the authorities.

7. In the application filed under Section 5(3) of the M.P.I.D Act, it is stated that the investigation is in progress and some of the properties of the accused persons are attached during the investigation and some properties are yet to be traced out.

8. In view of the above, in the investigation, if further properties of the accused persons are traced out, appropriate steps shall be taken by the authorities under the M.P.I.D. Act in respect of those properties also.

9. The Writ Petition is accordingly disposed of. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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