

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.65 OF 2013

Ashok Ramchandra Metkari and Another ...Petitioners
vs.
The State of Maharashtra and Another ...Respondents

Mr. Machhindra Patil, for the Petitioners
Mr. Vikas Mali, AGP for the Respondents-State.

CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.

DATE : JANUARY 20, 2017

P.C.:

. In pursuance to the direction issued by this Court from time to time and more particularly the order dated 22nd November, 2016 the Respondents-State has filed additional affidavit in reply.

2. The paragraphs a), b) and c) of the said reply of the State reads thus:

a) Status of the criminal cases :-

I say that, 396 credit societies have been audited and offense have been registered on the basis of audit report in respect of 175 societies and first information reports have been lodged against 2773 office bearers of these societies, out of which 1389 are arrested. The charge sheet is filed against office bearers of 117 Credit Cooperative Societies. I further say that, action has also been taken against concerned 163 auditors, out of which 26 auditors have been

blacklisted and action against 113 auditors have been proposed to the Institute of Chartered Accounts of India, New Delhi and to Divisional Joint Registers Co-Operative Societies. Further 24 auditors have been reprimanded.

b) The recovery of interest free loan of Rs. 200 Crores given to problematic credit societies :-

I say that, total amount of Rs. 200 crores has been allotted as financial assistance to financially problematic societies to repay the deposits in hardship cases. Under the said interest free loan scheme only Rs. 173.49 crores were actually disbursed to 339 credit societies which had been subsequently paid to the depositors. I say that, Rs. 43.71 crores have been recovered upto 30/11/2016 from concerned societies by way of continuous persuasion & review taken by this office & also at field level offices (Ex-1).

c) The details in regard to the officials of the Cooperative Credit Societies against whom penal action have been initiated:-

I submit that, enquiries under Section 88 of the Maharashtra Cooperative Societies Act initiated against the officers/office bearers of 192 Credit Cooperative Societies, out of which inquiry of 176 credit Cooperative Societies have been completed. I say and submit that the Certificate under Section 98 of the Maharashtra Cooperative Societies Act have been issued for recovery of Rs. 398.21 Crores against 1717 office bearers/officers in respect of which enquiry is completed under Section 88 of Maharashtra Cooperative Societies Act. I say that the liability of the said amount is fixed against the concerned persons. Further I say that the charge on the properties of concerned persons worth Rs. 241.58 crores has also been created. (Exh-2). I say and submit that out of the above mentioned amount as fixed by virtue of enquiry under Section 88 of the Maharashtra Cooperative Societies Act, an amount of Rs. 26.27 Crores have so far been recovered.”

2. Having regard to the aforesaid reply, we find that the

State has taken steps in regard to filing of criminal action as also has taken action under Section 88 of the Maharashtra Cooperative Societies Act against the officers/office bearers of Credit Cooperative Societies. From the said reply, it also reveals that recovery to some extent has also been done.

3. In these circumstances, we are inclined to dispose of this Public Interest Litigation by directing Respondents-State to continue in taking further steps in regard to the recovery of the amounts by adopting of legal procedure at the earliest. The State authority shall also ensure that the criminal cases and other actions which have been taken against the officers/office bearers of Credit Cooperative Societies shall be taken to its logical end.

4. With the aforesaid observation and direction, the Public Interest Litigation is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)