

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.272 OF 2010

Ved Textiles Ltd.	...	Appellant
V/s.		
Sangli Urban Co-operative Bank Ltd. & Anr.	...	Respondents

None for the Appellant.
Mr.G.H.Keluskar, Advocate for the Respondent No.1.

**CORAM : V. M. KANADE &
M.S.SONAK JJ.**

DATED : 13th June 2017.

P.C.

1 None appeared for the appellant. Heard the learned counsel appearing on behalf of respondent No.1. We have perused the order passed by the learned Single Judge dated 27th July 2010 and order passed by the Additional Registrar under Section 148(3) of the Maharashtra Co-operative Societies Act, 1960 (herein after referred to as “MCSA”) By the said order, the Additional Registrar was pleased to refuse to grant sanction to prosecute the office bearers of the respondent No.1 for the alleged offence committed under Section 148 of the MCSA. This order was confirmed by the learned Single Judge.

2 It was a case of the appellant that by an order dated 12th May 2003 passed in Miscellaneous Application No.K-109/2002, the Divisional Joint Registrar, Co-operative Societies has directed the bank to close the appellant's loan account under One Time Settlement Scheme (hereinafter referred to as “OTS Scheme”) as per the proposal given by the appellant/original petitioner. It is his contention in respect of the said order that the respondent No.1 willfully neglected to comply with the said order. According to him, therefore, the respondent No.1 Bank has committed offence by not complying with the said order.

3 The learned Single Judge has recorded the submissions made by counsel appearing on behalf of the Bank that the original order passed by the Divisional Joint Registrar was modified by an order dated 9th May 2005 by this Court in Writ Petition No.6740 of 2003. He submitted that the said order was complied and, therefore, there was no question of granting sanction to prosecute. Shri.Keluskar, the learned counsel appearing for the respondent No.1 submitted that the OTS loan account has been closed on 17th March 2011.

4 The appeal, therefore, has become infructuous. It is, accordingly, disposed of.

(M.S.SONAK J.)

(V. M. KANADE J.)