

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3004 OF 2017**

Manohar Kori & Ors	...Petitioners
<i>Versus</i>	
State of Maharashtra & Ors	...Respondents

WRIT PETITION (L) NO. 3024 OF 2017

AV Balasubramaniam	...Petitioner
<i>Versus</i>	
State of Maharashtra through its Principal Secretary & Ors	...Respondents

Mr Rompal Kohli, *a/w Amod Eklaspur, i/b M/s CK Legal, for the
Petitioner in both matters.*

Mr Manish Upadhye, AGP, *for the Respondent, State of
Maharashtra in WPL/3004/17.*

Mr MA Sayyed, AGP, *for the Respondent, State of Maharashtra in
WPL/3024/17.*

Mr Ajay David, *for Respondent No. 3 in both matters.*

CORAM: G.S. PATEL, J
DATED: 6th November 2017

PC:-

1. Heard.

2. It is true that the Petitioners were not among those who were before Sonak J at the time when he passed an order on 6th September 2017, a copy of which is at Exhibit “D” to this petition. This relates to enquiries and proceedings under Section 88 of the Maharashtra Cooperative Societies Act 1960. It is also true that the Petitioners have been participating in these proceedings and have cross-examined witnesses led by the other side.

3. The challenge in these writ petitions is to a communication by the enquiry officer (12th October 2017, pages 21 to 23) where apparently only because a previous bench of this Court stipulated time limits till the end of this year, no further time has been afforded to the Petitioners, who have therefore been asked to submit written statements but not given an opportunity to place their evidence. At page 22 the authorised officer in fact says “due to the time limit stipulated by the High Court I have no jurisdiction to give you a next date which please note”.

4. This is unacceptable. A party’s evidence cannot be shut out in this fashion or for these reasons. The Petitioners may be put to terms, denied indulgence, and held to time limit.

5. In fairness, the learned advocate for the Petitioners submits that the evidence affidavit of all the Petitioners’ witnesses along with the list of witnesses will be furnished to the other side and filed before the authority by 20th November 2017. I accept this statement as an undertaking by the Petitioners.

6. By way of abundant caution, I clarify that a reasonable extension of time for disposal of the matter is always possible and it is open to the authority to apply on the administrative side for an extension of this time if necessary.

7. Both writ petitions are dismissed in these terms. There will be no order as to costs.

(G. S. PATEL, J)