

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE SIDE JURISDICTION**  
**WRIT PETITION NO.13963 OF 2018**

|                                             |   |             |
|---------------------------------------------|---|-------------|
| Gunvant Gangaram Manjarekar                 | ] | Petitioner  |
| Vs.                                         |   |             |
| Commissioner for Co-operation & Registrar ] |   |             |
| of Co-operative Societies and others. ]     |   | Respondents |
| .....                                       |   |             |
| Mr. Prashant Kulkarni, for Petitioner.      |   |             |
| Ms. P.J. Gavhane, for Respondents No.1 & 5. |   |             |
| Mr. Ajay David, for Respondents No.3 and 4. |   |             |
| Ms. Uma Kshirsagar-Wagle, for Intervener.   |   |             |
| .....                                       |   |             |

**CORAM : R.G. KETKAR, J.**

**DATE: 14<sup>th</sup> DECEMBER, 2018.**

**P.C.**

Heard Mr. Kulkarni, learned Counsel for the petitioner, Ms. Gavhane, learned A.G.P, for respondents No.1 and 5, Mr. David, learned Counsel for respondents No.3 and 4 and Ms. Kshirsagar-Wagle, learned Counsel, for Intervener.

2. This Petition takes exception to the inquiry report dated 25<sup>th</sup> September, 2018 made by respondent No.2, Authorized Officer, Bhandari Co-operative Bank Limited (in liquidation), Dadar (West), Mumbai 400 028 (for short 'Bank'). The petitioner has also sought direction against respondent No.5 through the Hon'ble Minister for Department of Co-operation & Textile to decide the appeal in a time bound manner. In addition to this, the petitioner has also prayed for quashing the order dated 21<sup>st</sup> February, 2018 passed by respondent No.2 herein.

3. During the course of hearing, Mr. Kulkarni has tendered communication dated 5<sup>th</sup> December, 2018 issued by respondent No.4-Recovery Officer attaching petitioner's property, more particularly set out therein. The same is taken on record and marked 'X' for identification.

4. As the petitioner's appeal is pending before respondent No.5, Ms. Gavhane was asked to take instructions as to within what time, the appeal will be decided. She assures that within 3 months from the date of appearance of the parties, the Hon'ble Minister will decide the appeal.

5. Learned Counsel for the parties assure that the parties will appear before the Hon'ble Minister for Co-operation and Textile on 9<sup>th</sup> January, 2019 and for that purpose, no fresh notice be issued to them. The Hon'ble Minister is requested to decide the appeal within 3 months from the date of appearance of the parties. Till such time, the respondents will not take any coercive steps in pursuance of the attachment of the petitioner's properties. It is made clear that this limited protection shall not be construed as expression of merits either way. All contentions of the parties are expressly kept open. Petition is disposed of accordingly.

**[R.G. KETKAR, J.]**