

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14559 OF 2018**

[Rajendra P. Shetye Vs. Commissioner for Co-operation & Ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Abhijeet Desai i/b. Prashant P. Kulkarni, Advocate for the Petitioner.

Mr. P.P. Pujari, A.G.P. for Respondents No.1 & 5-State.

Mr. Ajay David, Advocate for Respondents No.3 & 4.

Ms. Uma Kshirsagar-Wagle, Advocate for the Intervenor.

CORAM : R. G. KETKAR, J.

DATE : 21/12/2018

P.C.:

1. Not on board. At the request of Mr.Desai taken up in the production board.

2. Heard Mr.Abhijeet Desai, learned Counsel for the petitioner, Mr. P.P. Pujari, learned A.G.P. for respondents No.1 & 5-State, Mr. Ajay David, learned counsel for respondents No.3 & 4 and Ms. Uma Kshirsagar-Wagle, learned counsel for the intervenor.

3. This petition takes exception to the enquiry report dated 25.9.2018 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 21.2.2018 passed by respondent No.2 herein.

4. Mr. Desai has invited my attention to the warrant of attachment dated 5.12.2018 issued by respondent No.4 Recovery Officer at Exhibit-I to the petition (page-52 to 53). Mr. David confirms said fact.

5. As the petitioner's appeal is pending before respondent No.5, the petition raising identical grievance was disposed of by this Court on 14.12.2018 and the assurance given by the learned A.G.P. that the appeal will be decided within three months from the date of appearance of the parties was recorded.

6. The learned counsel for the parties assure that the parties will appear before the Hon'ble Minister for Co-operation and Textile on 9.1.2019 and for that purpose no fresh notice be issued to them. The Hon'ble Minister is requested to decide the appeal within three months from the date of appearance of the parties. Till such time, the respondent will not take any coercive steps of selling the attached property in pursuance of the attachment of the petitioner's property. It is made clear that this limited protection shall not be construed as expression of merits either way. All contentions of the parties on merits are expressly kept open. Petition is disposed of accordingly.

(R. G. KETKAR, J.)