

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8577 OF 2019
(Vasudeo Ananda Ingale and others Vs. Enquiry Officer and others)
WITH
CIVIL APPLICATION NO.8335 OF 2019

Mr.A.D.Shinde, Advocate for the petitioners.
Mr.N.T.Bhagat, AGP for the respondent Nos. 1 to 4/State.
Mr.A.G.Talhar, Advocate for the intervenor

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/07/2019

PER COURT :

1. I have briefly heard Mr.Shinde, the learned Advocate for the petitioners, the learned AGP on behalf of respondent Nos. 1 to 4 and Mr.Talhar, learned Advocate on behalf of the applicant, who seeks intervention through the civil application.

2. There is no dispute that the impugned order in this matter is dated 08/02/2016, which is a charge sheet issued by the Enquiry Officer/ respondent No.1 u/s 88 of the Maharashtra Co-operative Societies Act r/w Rule 72(3) of the 1961 Rules. Same order was subject matter of challenge by 4 identically situated Directors in WP No.2828/2016. This Court (Coram : Sunil P.Deshmukh, J.) has passed an order on 09/03/2016, granting protection to the

petitioners. This order was tacitly construed to protect all the Directors, even those who were not before this Court. By an order dated 29/04/2019 passed by this Court, it was clarified that since a personal cause of action has been put forth by 4 Directors, the earlier order dated 09/03/2016 in the said petition would be restricted only to the petitioners in that petition.

3. It is in this backdrop that these petitioners have now rushed to this Court and as such the issue of limitation would not arise.

4. Issue notice to the respondents, returnable on 23/08/2019. The learned AGP waives service for respondent Nos. 1 to 4.

5. For the reasons recorded in the earlier order dated 09/03/2016, by way of an ad-interim relief in this petition, respondent No.1 would not proceed pursuant to the impugned charge sheet dated 08/02/2016.

6. The learned Advocate for the applicant seeking intervention submits that he is an 84 year old person. He is a depositor with the petitioner Bank having invested Rs.17,000/- and Rs.18,000/- by his wife. It is his serious apprehension that neither is the society doing

anything for returning the deposits of the depositors, nor is the State Government rendering any assistance to such hapless depositors.

7. This Court has taken a view vide order dated 15/04/2019 in CA No.4616/2019 filed by a similar depositor in WP No.2828/2016 that such applications cannot be entertained as all the depositors would flock to this Court and seek intervention in this matter. The State is competent to take care of the interest of the depositors in such matters. Similarly, the learned Division Bench of this Court in similar cases has passed an order on 10/12/2014 in WP No.8719/2014 and 7820/2014, that the funds and the amounts available with the Liquidator will have to be refunded to the eligible recipients *pari-pasu*. So also the creditors will have to prove their claims and thereafter they would be classified as secured or unsecured depositors.

8. In view of the above, this civil application is rejected.

9. Learned Advocate for the petitioners submits that since the earlier WP No.2828/2016 is pending before a Co-ordinate Bench, the petitioner would move the office of the learned Administrative Judge of this Court for clubbing both these writ petitions so as to be taken

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up by the same Court as the involved parties are identical and the impugned order is identical.

(Ravindra V.Ghuge, J.)