

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application No.2678 of 2018
in
Writ Petition No.5632 of 2018

Samata Sahakari Bank Thevidar Kruti Samiti
vs.
State of Maharashtra & others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.K. Bhandarkar, Advocate for the Applicant/Petitioner.
Shri D.P. Thakre, Additional G.P. for Respondent Nos.1 to 3.
Shri R.K. Thakkar, Advocate for Respondent No.4.

CORAM : SUNIL B. SHUKRE & S.M. MODAK, JJ.

DATE : 7th MARCH, 2019.

For the reasons stated in the application, the
application is allowed in terms of it's prayer.

Necessary amendments be carried out on or
before the next date.

The application is disposed of.

Writ Petition No.5632 of 2018 :

The learned Counsel for the erstwhile
Official Liquidator submits that respondent No.4 -
Liquidator is experiencing many difficulties because of
the restrictions imposed by this Court by it's order
dated 04/09/2018, as a result of which, respondent
No.4 is unable to make necessary payments, one of
which is for obtaining police protection, the other

pertains to obtaining of valuation report, payment of salary and fees of the Advocate, inability to take decisions relating to depositing the amounts realized by effecting the recovery against the defaulters and so on and so forth. The order passed by this Court on 04/09/2018 indicates that the prohibition operates only against taking of a major policy or financial decision and that means minor decisions, policy or financial, are permissible. This direction having been expressed in the words "in the meanwhile, Administration Shri Wankhede and respondent No.4-Bank shall not take any major policy or financial decision", is clear. This Court need not elaborate as to what constitutes a major policy decision or a major financial decision as the respondent No.4 and its Administrator have sufficient experience of administration and, therefore, possess knowledge about what is covered by the prohibition and what is out of it. It is once again reiterated that respondent No.4 is free to take such decisions which do not fall within the category of major policy or financial decision.

Stand over after four weeks.

JUDGE

JUDGE