

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9494 OF 2021

Dilip Sitaram Udmale
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Parag Vijay Barde, Advocate for the Petitioners.

Mr. S. W. Munde, AGP for Respondents/State.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 27th AUGUST, 2021.

PER COURT:-

. Mr. Barde, learned counsel submits that the petitioners are the members of the Board of Director of Jayhind Ahmednagar Zilla Parishad Pagardar Nokranchi Sahakari Patpedhi Niymit, Ahmednagar. The notice of hearing is issued to the petitioners purportedly invoking provision of Section 88 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as 'Act of 1960') and Rule 72 (3) of the Maharashtra Co-operative Societies Rules, 1961. The charges are also framed. The learned counsel submits that the respondent-authority has to arrive at the subjective satisfaction before issuance of such notice. No such subjective satisfaction is spelt out. The only reason given is that copies of resolution are not submitted. They are part of record.

2. According to the learned counsel, as per Section 88 of the Act of

1960 charge sheet can only be in limited sphere, i.e. in case some irregularities are found in the audit report. So the present aspect does not come within the ambit and purview of Section 88 of the Act of 1960.

3. The question is about misappropriation of Rs. 1,81,83,336/-.

4. Mr. Barde, learned counsel contended that only the Ex-chairman namely Satish Vasant Pawar is responsible for the misappropriation and he has accepted his guilt.

5. At this stage, we cannot rely upon it. On the face of record the petitioners appear to be the party to resolution for disbursement of loan pursuant to which the misappropriation is alleged. The amount involved is huge. The petitioners can raise all the grounds before the authority.

6. Considering the fact that the petitioners appear to be signatory to the resolutions of which misappropriation is alleged and that the petitioners will have every opportunity to put forth their stand before the authority, at this stage, we are not inclined to entertain the writ petition.

7. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.