

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5090 OF 2021

Ramesh Sahebrao Kunjir & Ors. ... Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

.....

Mr. Abhijit Kulkarni with Mr. Akshay D. and Mr. Sachin i/b DD & Abhijit Associates for the Petitioners.

Mr. R. P. Kadam, AGP for the State.

Ms Varsha Palav for the Respondent No.7.

.....

CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.

DATE :SEPTEMBER 13, 2021.

P.C. :-

. Heard.

2. By this petition, under Article 226 of the Constitution of India, the Petitioners are seeking directions against Respondent Nos. 1 to 5 to decide the Petitioners' representation dated 16/08/2021 and also other reliefs as under:

"a. Rule Nisi be issued;

b. Record & Proceeding be called from the Office of Respondent No. 1 to 5 and Respondent No 7;

c. This Hon'ble Court be pleased to issue Writ of Mandamus or any other appropriate writ/order in the nature of Mandamus, whereby, directions kindly be given to

Respondent No. 1 to 5 to issue appropriate directions in the interest of Respondent No.6 – Society under Section 79A of the Maharashtra Co-operative Societies Act as prayed by the petitioners in their representation dated 16th August 2021 and further, it kindly be directed to Respondent No 1 to 5 to take the representation of the petitioners dated 16th August, 2021 to its logical end within stipulated period;

d. This Hon'ble Court be pleased to issue Writ of Mandamus or any other appropriate writ/order in the nature of Mandamus, whereby, directions kindly be given to Government Appointed Officers upon Respondent No. 6-society to take necessary steps to hold election of Respondent No.6 – society and further, it kindly be directed the Respondent No. 8 Election Authority to complete the process of election within stipulated period;

e. This Hon'ble Court be pleased to issue Writ of Certiorari or any other appropriate writ/order in the nature of Certiorari, thereby, after verifying legality, validity and propriety of the Tender Process/Tender Document (Exhibit E) issued by Government Appointed Administrator of Maharashtra State Co-operative Bank; be quashed and set aside;

f. During pending the final hearing and disposal of petition, by way of interim relief, directions kindly be given to Government Appointed Administrator of Respondent No. 7 to file a statement before this Court as to what was the amount due as on the day when the account of Respondent No. 6 – society became Non Performing Assets (NPA);

g. During pending the final hearing and disposal of petition, by way of interim relief, the operation, execution and implementation of Tender Process/Tender Document (Exhibit E) issued by Government Appointed Administrator of Maharashtra State Co-operative Bank kindly be stayed in the interest of justice;

h. During pending the final hearing and disposal of petition, by way of interim relief, the Respondent No.7 be

restrained from taking any policy and financial decisions in respect of assets of Respondent No.6-society;

i. Ad-interim relief in terms of prayer Clause (f), (g) and (h);

j. Any other further order in the interest of justice be kindly passed;”

3. The bare reading of prayer clauses shows that, indirectly the Petitioner is challenging the Tender Notice dated 05/08/2021 issued by the Government Appointed Administrator of the Maharashtra State Co-operative Bank.

4. The learned counsel for Respondent No.7 submits that the earlier Mr. Pandurang Ramchandra Kale filed writ petition No. 5077/2021 before this Court at Appellate Side challenging the Tender Notice dated 05/08/2021 itself. She submits that that writ petition was dismissed by this Court (Coram: Dipankar Datta, CJ & G. S. Kulkarni, J.) by order dated 03/09/2021. A copy of the said order is taken on record.

5. Considering the order dated 03/09/2021, in Writ Petition No. 5077/2021 we do not find any reason to entertain the present writ petition. Hence, the following order:

a. Writ petition stands dismissed in view of order dated 03/09/2021 passed by this Court in Writ Petition No. 5077/2021.

b. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)