

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.20485 OF 2021
WITH
INTERIM APPLICATION NO.2348 OF 2021**

Anil Shukla ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Induprakash Tripathi i/by Mr. C.K.Tripathi, for Petitioner.
Mr. Milind More, Addl. Govt. Pleader, for State.
Mr. Prakash G. Lad with Ms. Priyanka Naik, for Respondent No.2.
Mr. Niraj Prajapati for Applicant in IA 2348 of 2021.
Mr. Pravin Kakad, Authorized Officer, present.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE: 22nd OCTOBER, 2021

P.C.:

1. By the above Writ Petition, the Petitioner interalia seeks the following reliefs :

“(a) This Hon’ble Court by its appropriate writ, order and direction be pleased to direct the District Special Auditor (2), Co-operative Societies, Bombay, the Respondent No.3 herein to implement the order dated 29.9.2018 passed by Deputy Registrar (C.S.) MHADA the Respondent No.2 herein and submit report thereof to the Deputy Registrar (C.S.) MHADA the Respondent No.2 for further action in accordance with law;”

2. By an order dated 5th October, 2021 the Office of the Deputy Registrar (C.S.) - Respondent No.2 had directed Mr. Pravin Kakad (Administrator) to submit

the records and latest voter list for completing the election process of the Society. By an order dated 29th September, 2018, the Office of the Deputy Registrar (C.S.) had asked the District Special Auditor to reaudit the accounts of Respondent No.4 Society of the last five years. Thereafter, by an order dated 29th September, 2018, Mr. Lakhe was appointed as an Auditor to reaudit the accounts. However, Mr. Lakhe could not proceed with the work as papers were not received from the previous committee. After Respondent No.2 took steps against the erring parties, the required records and proceedings were received on 13th October, 2021. Mr. Lakhe has been informed of this development by the Administrator with a request to recommence the audit work of the accounts of Respondent No.4 Society.

3. In the Affidavit in Reply filed on behalf of Respondent No.2, he has stated that all necessary steps to enforce the order dated 29th September, 2019 have been taken and the accounts will be reaudited by Shri Lakhe, for which the Petitioner as well as the entire Committee will have to co-operate with Shri Lakhe.

4. In view thereof, we pass the following order :

(i) Shri Lakhe shall commence the reaudit work of Respondent No.4 Society on and from 25th October, 2021.

(ii) The Petitioner as well as office bearers of the Committee of Respondent No.4 shall extend all co-operation to Shri Lakhe in carrying out re-audit of the accounts of Respondent No.4 for 2012 onwards.

(iii) Shri Lakhe shall endeavour to comply his assignment within a period of 16 weeks from today.

(iv) It is clarified that this order shall not preclude the Administrator to commence/continue with the election process.

(v) The Writ Petition is accordingly disposed of. Interim Application No.2348 of 2021 also stands disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)