

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

WRIT PETITION NO.20 OF 2022

**RANGNATH KASHINATH KASHID AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. K. N. Shermale
AGP for Respondents – State : Mr. S. N. Kendre

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 08TH MARCH, 2022

PER COURT :

1. This petition seeks quashing of the inquiry initiated against the petitioners under Section 88 of the Maharashtra Cooperative Societies Act, 1960 (for short 'the Act, 1960') read with the Maharashtra Co-operative Societies Rules, 1961 (for short 'the Rules, 1961'). The show-cause notice under Section 88 of the said Act, 1960 and Rule 72(2) of the said Rules, 1961, is issued to the petitioners who are Chairman and Director and to other Directors of respondent No.5 Society, calling their explanation in respect of allegations made in Schedule-A of the report submitted by respondent No.3. Since the reply filed by the petitioners was not found satisfactory, charge-sheet is served on the petitioners leveling the charges that respondent No.5 has suffered financial loss to the extent of Rs.48,60,287/- and the then

Managing Committee (including the petitioners) is jointly and severally responsible for the said loss. By the order dated 11-05-2021 passed under Section 88 of the Act, 1960, respondent No.3 appointed inquiry officer for conducting inquiry under Section 88 and to fix responsibility of the financial loss of Rs.48,60,287/- on the concerned.

2. The petitioners filed reply to the said notice contending that the Manager is responsible for the said loss. The suit is filed against the Manager, also, the FIR is registered against him and no proceedings are filed against the petitioners and hence, the petitioners are not responsible for the said loss. The petitioners challenge the inquiry under Section 88 of the said Act, 1960, contending that, neither civil proceeding are initiated against the petitioners for recovery of the alleged financial loss caused to respondent No.5, nor criminal proceedings are filed against the petitioners for criminal breach of trust and misappropriation. Hence, the inquiry initiated against the petitioners under Section 88 of the Act, 1960, is liable to be quashed and set aside. In support of these submissions, reliance is placed in case of **Gajanan Pandurang Shet Parkar Vs. Authorised Person of the Registrar Of Co-op. Societies, Mapusa and Others**, reported in 1998(2) Mh.L.J. 483.

3. The learned Assistant Government Pleader strenuously opposed the petition contending that the inquiry is in progress and the petitioners have alternate efficacious remedy of challenging the inquiry proceedings under Section 154 of the Act, 1960.

4. Several disputed questions of facts are involved in the present petition. As the inquiry proceedings are in progress and as the petitioners have alternate efficacious remedy available under Section 154 of the said Act, 1960, this Court is not inclined to exercise the extraordinary writ jurisdiction to entertain the present petition. Writ petition is, therefore, dismissed. No costs.

(NITIN B. SURYAWANSHI, J.)