

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 895 OF 2021

Satish Appaso Birnale Decd. through LRs. ...Petitioners
V/s.
State of Maharashtra & Ors. ...Respondents

Mr. Vinod Sangvikar i/b. Mr. Umesh R. Mankapure, for the
Petitioner.

Mr. C. D. Mali, AGP for the Respondent No.1 / State.

CORAM : C.V. BHADANG, J.
DATE : 7 OCTOBER 2022

P.C.

. The Petitioners are the legal representatives of Late Satish Appaso Birnale, who was a Director of *Vasantdada Shetkari Sahakari Bank Ltd.*, which is under liquidation. It appears that an inquiry was instituted for fixing the responsibility and presently proceedings under Section 88 of the Maharashtra Co-operative Societies Act, 1960, are pending before the Competent Authority under the said Act. Satish Birnale expired on 8 October 2015.

2. The challenge in the present petition is to the order dated 9 August 2016 passed by the second Respondent – Authorised Officer, which has been confirmed by the Hon'ble Minister of

Cooperation by order dated 3 June 2019 passed in Revision Application No.836/2016 filed by the Petitioners alongwith similar other revision applications filed by other parties.

3. It is significant to note that the Petitioners have not even produced the copy of the order dated 9 August 2016 passed by the second Respondent nor the copies of the notices issued are produced in this petition.

4. The only contention is that the Petitioners as legal representatives of Satish Birnale who was the Director are not responsible and cannot be proceeded against.

5. Learned AGP submits that the Petitioners would be liable to the extent of the property which they have inherited, if any, from Late Satish Birnale.

6. I have considered the submissions made.

7. It can be seen that the Petitioners have neither produced the copy of the order dated 9 August 2016 passed by the second Respondent nor the copies of the notices issued. Be that as it may, it is for the Petitioners to appear before the concerned Authority and to raise contentions as may be available to them in law and on facts. The Hon'ble Minister has noted that the Petitioners have not disputed their status as legal representatives of Late Satish Birnale. It can be seen that the Petitioners would

be liable to the extent of the property, if any, inherited by them from Late Satish Birnale towards the liability, if any, determined under Section 88 of the Maharashtra Co-operative Societies Act, 1960.

8. Subject to this, no case for interference is made out. The petition is accordingly disposed of, with no order as to costs.

C.V. BHADANG, J.