IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12165 OF 2022

Shankarrao Mohite Patil Sahakari
Bank Ltd Akluj ...Petitioner
Versus
The State Of Maharashtra and Ors ...Respondents

Mr. Abhijit Desai i/b Desai Legal for the Petitioner.
Ms. Kavita Solunkhe AGP for the State- Respondent.

CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, J.J.
DATED : 10th OCTOBER, 2022

P.C. :-

1. We have heard learned counsel for the petitioner.

2. Learned counsel strenuously contends that Audit Report is on record. The Petitioner-Bank is functioning for more than 46 years. The apprehension is that RBI would take steps under Section 110A of the Maharashtra Co-operative Societies Act without seeking explanation from Petitioner and/or giving reasonable opportunity. Under section 36AA of the Banking Regulation Act, the opportunity is contemplated.

3. Learned counsel submits that the Petitioner is seeking a limited relief that before taking any such steps under section 110A of Maharashtra Co-operative Societies Act, the Petitioner shall be given an opportunity.

4. The Presumption is that that official work would be done in lawful manner. Today, we cannot presume that the provisions of law would not be adhered to. The authorities are supposed to adhere to the legal provisions.

5. Today, the petition would be premature. In case some orders are passed prejudicial to the interest of the Petitioner, then the Petitioner would be at liberty to assail the same in accordance with the law.

6. In that event all contentions of the Petitioner are kept open.

7. Writ Petition is disposed of. No costs.

YUGANDHARA SHARAD PATIL
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Date: 2022.10.13 10:52:57 +0530

(R.N.LADDHA, J.) **(S.V. GANGAPURWALA, J.)**