

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 789 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 74 OF 2021

Rajendra Vitthal Raut ... Applicant
Versus
The State Of Maharashtra & Others ... Respondents

Mr. Y. S. Jahagirdar, Senior Counsel with Mr. Ashok B. Tajane and Mr. Yogesh Thorat, Advocates for Petitioner/ Applicant.
Mr. M.M. Pabale for Respondent-State.
Mr. Umesh Mankapure, Advocate for Respondent No.5.
Mr. S. P. Bharti, Advocate for Respondent No.6.

CORAM : A. A. SAYED &
ABHAY AHUJA, JJ
DATED : 17TH FEBRUARY, 2022.

P.C.:

Interim Application No. 789 of 2022

1. The Interim Application is filed by the Applicant/Petitioner seeking the following relief:-

“a. The execution, operation and implementation of the notice for sale dated 01.02.2022 published in daily Newspaper Loksatta, published from Pune being **Exhibit A** to the present Interim Application be stayed.”

2. It is an admitted position that in view of the subsequent events/ developments, the only issue that remains for consideration is the PIL

is concerning the recovery of the FRP amount alongwith interest and for the disbursal of the same to the farmers. The auction sale of the sugar factory is being conducted by the Administrator of the Respondent No.5-Bank under the provisions of the Securitisation Act. In the facts and circumstances of the case, we are not inclined to stay the auction sale. Learned Senior Counsel for the Petitioner submits that the apprehension of the Applicant/Petitioner is that the auction sale of the sugar factory would be used as an excuse not to proceed further with the inquiry being conducted under Section 88 of the Maharashtra Co-operative Societies Act. In our view, the auction sale of the sugar factory under the provisions of the Securitisation Act and the inquiry under Section 88 of the Maharashtra Co-operative Societies Act are independent of each other and the inquiry can proceed notwithstanding the auction sale of the sugar factory. We make it clear and accordingly direct that the auction sale of the sugar factory would not be an impediment in any manner from continuing with the inquiry under Section 88 of the Maharashtra Co-operative Societies Act and the said inquiry would be taken to its logical conclusion expeditiously.

3. In the event the auction sale fructifies the disbursal of the purchase price would be in the order of priority as provided by law. We also record the statement of learned Counsel for the Administrator for the Respondent No.5-Solapur District Central Co-operative Bank that if the auction sale goes through, the disbursal of the amount realised would be in accordance with the order of the priority as per law.

4. Subject to the above observations, the Interim Application is dismissed.

PIL 74 of 2021

5. After the Interim Application No. 789 of 2022 is dismissed, learned Senior Counsel for the Petitioner, on instructions from the PIL Petitioner, who is present in Court, states that in view of the subsequent events, the Petitioner is not pressing the PIL and seeks leave to withdraw the PIL with liberty to raise all contentions in any proceedings at a later stage, if the occasion so arises.

6. The PIL Petition is allowed to be withdrawn with liberty as prayed.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)