

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13711 OF 2017

Shri. Eknath Dnyanoba Kale & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 9745 OF 2018**

The Maharashtra State Co-op. Bank Ltd. ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 18417 OF 2022
IN
WRIT PETITION NO. 9745 OF 2018**

Eknath Dnyanoba Kale ... Applicant

Versus

The Maharashtra State Co-op. Bank Ltd. & Ors. ... Respondents

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Mr. Yogesh Pande for the Petitioners in WP No. 13711 of 2017.
Mrs. Varsha Palav with Mr. Anuj Tiwari for the Petitioner in WP No.
9745 of 2018 and for Respondent No. 8 in WP No. 1377 of 2017.
Mr. A.I. Patel, Addl. GP with Ms. M.S. Bane, AGP for the State.

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**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 20 OCTOBER 2022

P.C. :

Writ Petition No. 13711 of 2017 is filed by two members/shareholders of Respondent No.7- The Yashwant Sahakari Sakhar Karkhana Ltd. Writ Petition No. 9745 of 2018 is filed by the Maharashtra State Co-operative Bank Ltd. also in respect of the Yashwant Sahakari Sakhar Karkhana Ltd.

2. In Writ Petition No. 13711 of 2017 filed by two members of the Yashwant Sahakari Sakhar Karkhana Ltd., they have prayed for various reliefs. This petition is filed on 11 December 2017. It has challenged the final order of winding up in respect of the Yashwant Sahakari Sakhar Karkhana Ltd. and thereafter, it has also questioned open tender notice dated 1 December 2017. In Writ Petition No. 9745 of 2018, the Maharashtra State Co-op. Bank Ltd. has challenged the order dated 16 November 2017 in respect of winding up of the Yashwant Sahakari Sakhar Karkhana Ltd., and also open tender notice.

3. The learned Counsel for the parties point out that the final winding up order dated 16 November 2017 has now been set aside and the State Government has taken control of the Yashwant Sahakari Sakhar Karkhana Ltd., and has appointed a board of administrator.

4. The learned Counsel for the Maharashtra State Co-op. Bank

Ltd. submitted that it has initiated action under Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 against the Yashwant Sahakari Sakhar Karkhana Ltd.

5. Considering the subsequent development of setting aside the final order of winding up, the primary relief made in both these petitions stands worked out. By way of amendment, the Petitioners have sought further directions such as holding of election to the Yashwant Sahakari Sakhar Karkhana Ltd. However, the final winding up order, which was basis of these petitions, is now no longer in existence and the State Government has taken over control by appointing a body of administrator. The basis of these petitions do not survive. What is sought to be put forth through an amendment and through oral arguments is completely different cause of action for which if the Petitioners or any other person, who has locus, will have to file a separate petition.

6. With these observations, both these petitions are disposed of.

7. In view of disposal of the petitions, nothing survives in the interim application and the same is accordingly disposed of.

TRUPTI
SADANAND
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(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)