

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2181 OF 2010

- 1) Depositors Forum Nagpur Mahila  
Nagari Sahakari Bank Ltd., through  
Shri Madhusadam Welankar,  
Convener, c/o Janta Nagari Sahakari  
Prathay Sanstha Maryadit, Nagpur.
- 2) R.S. Mundle Dharampeth Arts &  
Commerce College, Dharampeth  
Education Society, North Ambazari  
Road, through its Secretary.
- 3) Janta Nagari Sahakari Pratya  
Sanstha Ltd., Nagpur, 103,  
Shri Apartment, First Floor,  
Khare Town, Dharampeth,  
Nagpur, through its President  
Shri Madhusudan Welankar.
- 4) Shashank s/o Prabhakar Wingle,  
aged about 40 years, occupation :  
service, r/o Shri Apartments,  
Khare Town, Nagpur.

... Petitioners

- Versus -

- 1) State of Maharashtra, through  
its Secretary, Ministry of Textiles  
and Handlooms, Mantralaya,  
Mumbai – 400 032.
- 2) State of Maharashtra, through

its Secretary, Ministry of Finance,  
Mantralaya, Mumbai-400 032.

- 3) Deposit Insurance and Credit  
Guarantee Corporation, through its  
General Manager, Head Office,  
R.B.I. Building, Opp. Railway Station,  
Mumbai Central, Mumbai.
- 4) The Nagpur Mahila Sahkari Bank  
Ltd., under liquidation through  
Board of Liquidator, as described at  
Respondent No.5.
- 5) Board of Liquidator, Nagpur Mahila  
Nagari Sahakari Bank Ltd.,  
under Liquidation, the Board of  
Liquidator :
  - i) Shri Jaising Thakur,  
Divisional Deputy Registrar,  
Cooperative Society, Nagpur.
  - ii) Shri Pankaj Wankhade,  
Assistant Registrar, Cooperative  
Society, Nagpur.
  - iii) Shri S.B. Gode, Special Auditor,  
Class-II, c/o District Special Officer,  
Nagpur.
- 6) The Deputy General Manager,  
Reserve Bank of India, Urban Bank  
Department, Nagpur.
- 7) The Commissioner of Cooperation

& Registrar of Cooperative Societies,  
Pune.

- 8) Union of India, through its Finance Secretary, North Block, New Delhi-110 001.
- 9) The Committee constituted by Government of Maharashtra Headed by Chief Secretary, Shri J.P. Dange.

... Respondents

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- 1) Smt. Jyoti V. Jog, aged – major, occupation : service, r/o 166, Hawrapeth, Post Bhagwan Nagar, Nagpur.
- 2) Shri Vivek S. Kulkarni, aged-major, occupation : service, r/o 37, Shreevallabh, behind P.M.G. Society Hall, Madhav Nagar, Nagpur.
- 3) Shri Manish A. Shrivastava, aged major, occupation : service, r/o L.A.D. College Quarters, Seminary Hills, Nagpur.
- 4) Shri Hamesh B. Kitke, aged major, occupation : service, r/o 144, Chandramani Nagar, Nagpur.
- 5) Shri Sunil P. Ingole, aged – major, r/o P.No.12-B, Trisharan Nagar, Nagpur.

- 6) Shri P. Ispade, aged major,  
r/o Hazari Pahad, Vayusena  
Nagar, Nagpur.
- 7) Shri G.C. Dhoke, aged – major,  
occupation : service, r/o Nagpur.
- 8) Shri Ashok Khot,  
aged – major, occupation : service,  
r/o Mangalwari Gujar Chowk,  
Nagpur.
- 9) Shri Rameshwar Tembhure,  
aged – major, occupation : service,  
r/o Plot No.9, Darshan, Sharda  
Nagar, Nagpur.
- 10) Shri C.H. Patle, aged – major,  
occupation : service, r/o 50,  
Naloday Layout, Gopal Nagar,  
Nagpur.
- 11) Shri T.K. Patil, aged major,  
occupation : service, r/o  
Gajbhiye Kukde Layout,  
Rameshwari, Nagpur.
- 12) Aruna A. Khandate,  
aged – major, occupation :  
service, r/o Rashid Mahajan  
Nagar, Nagpur.
- 13) Jyoti Wankhede, aged – major,  
occupation : service, r/o 12,  
Mehar Colony, Wardha Road, Nagpur.

- 14) Padma Akare, aged – major,  
occupation : service, r/o Wanjari  
Nagar, Nagpur.
- 15) Madhu Chalte, aged – major,  
occupation : service, r/o 12,  
Mehar Colony, Wardha Road,  
Nagpur.
- 16) Megha Varadpande, aged – major,  
occupation : service, r/o 161 -A,  
Friends Colony, Katol Road, Nagpur.
- 17) Shilpa Kedar, aged – major,  
occupation : service, r/o Prashant,  
Trikon Park, Dharampeth, Nagpur.
- 18) Chandrakant Junghare, aged – major,  
occupation : service, r/o Laxmi Nagar,  
Nagpur.
- 19) Shri Shatabd S. Vakil, aged – major,  
occupation : service, r/o Congress Nagar,  
Nagpur.
- 20) Shri Ashima Joseph, aged – major,  
occupation : service, r/o Wadi,  
Nagpur.
- 21) Smt. Devashree Ghimire, aged – major,  
occupation : service, r/o Kalpataru  
Apartment, Congress Nagar, Nagpur.
- 22) Varsha Aaglave, aged – major,  
occupation : service, r/o Surendra

Nagar, Nagpur.

- 23) Swati Kelkar, aged – major,  
occupation : service, r/o Rande  
Nagar, Nagpur.
- 24) Jayashree Prayagi, aged – major,  
occupation : service, r/o Sayam  
Chawl, Sitabuldi, Nagpur.
- 25) Mahila Bank Khatedar Thevidar  
Kruti Samiti, office at Bhonsla  
Ved Shala, Ayachit Mandir Road,  
Mahal, Nagpur, through its President  
Shri Ramesh Girhe.
- 26) Ramesh Girhe,
- 27) Shaileja Kahu,
- 28) Alka Dorle,
- 29) Sudhakar Balpande and  
Smt. Shilpa Balpande,
- 30) Anil Patrikar,
- 31) Sandhya Vanmali,
- 32) Ashok Narayan Meshram,
- 33) Mohd. Aiyaz Ansari,
- 34) Ramesh Bhusari,
- 35) Dattatraya Deshmukh,

36) Tanaji Deshmukh,

From Sr.No. 26 to 36 are the members of  
Sr. No.25 Kruti Samiti (their common  
address c/o Ramesh Girhe, Bhonsla Ved  
Shala, Ayachit Mandir, Mahal, Nagpur. ... Interveners

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Shri A.A. Madiwale, Assistant Government Pleader for  
Respondent Nos.1, 2, 7 and 9.

Shri S.Y. Deopujari, Advocate for Respondent No.5(i to iii).

Shri S.N. Kumar, Advocate for Respondent No.6.  
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**CORAM : NITIN JAMDAR AND  
ANIL L. PANSARE, JJ.**

**DATE : 26 APRIL 2022**

**P.C. :**

This petition is filed by four Petitioners, who are depositors with the Respondent No.4 Nagpur Mahila Sahkari Bank Ltd. The Petitioner No.1 is depositors' forum, Petitioner Nos.2 and 3 are Cooperative Banks and Petitioner No.4 is an individual depositor. These Petitioners have their respective deposits. By order dated 20 September 2004, Reserve Bank of India under Section 35-A of the Banking Regulation Act initiated action against Respondent No.4 Bank and by order dated 30 August 2009 passed by the Respondent No.6 Deputy General

Manager of Reserve Bank of India, Respondent No.4 Bank was delicensed. Thereafter, a Board of Liquidators was appointed and pursuant to the proceedings in liquidation, certain amount was distributed as per the scheme. The Petitioners in the petition have raised various issues as to how the Respondent No.4 Bank can be revived or how best the financial affairs of the Bank after liquidation can be arranged. Relief is also sought against the Board of Liquidators from taking actions prejudicial to the depositors.

2. The writ petition came up on board for consideration on 21 October 2010 and by a reasoned order, Rule was issued and interim relief was refused. Thereafter the petition has come up for hearing today.

3. None appears for the Petitioners. The learned Counsel for the Respondents point out that in the last 12 years, proceedings in liquidation have substantially progressed. Various decisions thereafter have been taken pursuant to the liquidation. There was no interim order and, therefore, it is not possible to undo all the steps that have been taken as it would have various ramifications involving different parties.

4. According to us, in light of rejection of interim relief in the matters such as one at hand where the issue of distribution of assets and deposits of Bank is concerned, the period of 12 years cannot be overlooked to consider grant of prayers sought in the petition, which are not practicable to be granted at this stage. Therefore, we dispose of this petition observing that if the Petitioners have any legal right in the position as it exists today, it is always for them to take appropriate steps as per law.

5. The writ petition is accordingly disposed of. Rule is discharged. No order as to costs.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

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