

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.621 OF 2023

AHMEDNAGAR SHAHAR SAHAKARI BANK MARYADIT AHMEDNAGAR
THROUGH ITS CHIEF EXECUTIVE OFFICER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr.Salgar S. P.
GP for Respondents-State : Mr. K. B. Jadhavar
Advocate for Caveator : Mr. V. P. Patil
Advocate for intervener : Mr. A. G. Talhar

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WITH
CA/834/2023 IN WP/621/2023

CORAM : ARUN R. PEDNEKER, J.
DATE : 23rd January, 2023

PER COURT :

1. Civil Application 834 of 2023 has been filed for intervention. The said application is allowed and disposed of.
2. The learned Advocate for the petitioner submits that the interveners are the guarantors to a loan of more than Rs.10 crores which is not disputed by the interveners. The learned Advocate for the petitioners submits that there are various proceedings pending against the borrowers of the said loan and the present proceeding are at the instance of the borrowers to keep the bank in litigation so as to make it difficult to the bank to recover the loan amount.

3. The learned Advocate for the petitioner further submits that the procedure as contemplated under Section 81 and 82 of the Maharashtra Co-operative Societies Act, 1960, for rectification of the account statement is yet to be completed, and therefore, the notice under Section 83 of the Maharashtra Co-operative Societies Act is premature.

4. Issue notice to the respondents, returnable on 21/02/2023.

5. The inquiry under Section 83 (1) of the Maharashtra Co-operative Societies Act in terms of the order passed by the respondent No.2 to proceed without being influenced by any observation of this Court while passing this order, but no final order be passed on the inquiry without the leave of this Court.

6. List the matter on 21/02/2023.

(ARUN R. PEDNEKER, J.)

vj gawade/-.