

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.9047 OF 2023

JALGAON DISTRICT CENTRAL CO OPERATIVE BANK
LTD JALGAON THROUGH ITS MANAGER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...

AND

912 WRIT PETITION NO.9049 OF 2023

JALGAON DISTRICT CENTRAL CO OPERATIVE BANK
LTD THROUGH MANAGER ATUL RAMESHCHANDRA
TONDAPURKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...

AND

913 WRIT PETITION NO.9050 OF 2023

JALGAON DISTRICT CENTRAL CO OPERATIVE BANK
LTD JALGOAN THROUGH ITS MANAGER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioners : Shri Mayur V. Salunke i/by Shri
V.D. Salunke

AGP for the Respondents/State : Shri S.B. Yawalkar

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CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 10th August, 2023

Per Court :-

1. In all these petitions, the Petitioners are identically placed. All of them expect the State Government to act in furtherance of the Government Resolutions dated 22.04.1997 and 12.06.1998 in Writ Petition No.9047/2023, the Government Resolutions dated 16.07.2021 and 01.01.2004 in Writ Petition No.9049/2023 and the Government Resolutions dated 23.03.2004 and 03.06.2008 in Writ Petition No.9050/2023.

2. In the case before us bearing Writ Petition No.11503/2019 filed by the *Osmanabad District Central Cooperative Bank Limited vs. The State of Maharashtra and others*, the State Government had issued the communication in relation to the Government Resolution applicable to the said Bank, which was issued by the State Government for giving a bank guarantee for repayment of the outstanding dues of the Sugar Factory, provided the entire properties of the Factory have been sold for paying the creditors.

3. These petitions are also on the similar footing,

except that the Government has not issued the Government Resolution as like the one issued in Writ Petition No.11503/2019.

4. In view of the above, **these Writ Petitions are disposed off** with the following directions :

- (a) Respondent No.1 shall consider the Government Resolutions issued by the State Government vis-a-vis these Petitioners if there is no other legal impediment and if the cases of these Petitioners are factually similar to the case in Writ Petition No.11503/2019.
- (b) As each of these Petitioners has tendered the representation, the same may be considered on it's own merits.
- (c) The State Authorities are, therefore, at liberty to deal with the said representations in the light of the respective Government Resolutions as is permissible in law.
- (d) Needless to state, we have not expressed any view as regards the bar of limitation, neither have we expressed any view as regards the merits of the claims of these Petitioners.

- (e) In view of the objection of the learned AGP, we record that if the claims of these Petitioners are barred by limitation, a decision by the State Government in the light of these directions would not amount to reviving the cause of action.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)