

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

33 WRIT PETITION NO.12748 OF 2023

GANESHRAO YADAVRAO ROKADE
VERSUS
DIVISIONAL JOINT REGISTRAR CO-OP.SOCIETIES &
OTHERS

...
Advocate for Petitioner : Mr.Mahesh Deshmukh h/f.
Mr.U.L.Momale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for respondent no.4 : Mr.S.S.Gangakhedkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 16.10.2023

P.C. :

1] Heard the learned counsel for the petitioner.

2] The petitioner challenges the impugned proceeding initiated under Section 73CA (f) (ii) of the Maharashtra Co-operative Societies Act, 1960 on the ground that the petitioner is representing the defaulting society. The learned counsel for the petitioner produced on record the audit report and submits that the report indicates that he is not representing a defaulting society and yet the petitioner has been served with above proceedings. The

learned counsel for the petitioner submits that the issuance of notice itself indicates that there is malice of law and that the authority would act against the petitioner.

3] It is premature to hold that the authority concerned has acted in malice. The Authority concerned to decide the proceedings in accordance with law. The petitioner, who has produced the audit report, is entitled to produce the same before the concerned authority. After considering all the relevant material placed on record, the concerned Authority to pass appropriate orders in the said proceedings.

4] In view of above, the present Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC