



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

WRIT PETITION NO. 14392 OF 2021

**Nirmala Dhanraj Chodhary And Another
VERSUS**

The State Of Maharashtra And Others

WITH

WRIT PETITION NO. 7176 OF 2019

WITH

CIVIL APPLICATION NO. 14590 OF 2022 IN WP/7176/2019

WITH

CIVIL APPLICATION NO. 11807 OF 2021 IN WP/7176/2019

WITH

CIVIL APPLICATION NO. 11808 OF 2021 IN WP/7176/2019

WITH

CIVIL APPLICATION NO. 330 OF 2022 IN WP/7176/2019

WITH

CIVIL APPLICATION NO. 329 OF 2022 IN WP/7176/2019

WITH

CIVIL APPLICATION NO. 328 OF 2022 IN WP/7176/2019

WITH

WRIT PETITION NO. 14387 OF 2021

WITH

WRIT PETITION NO. 14429 OF 2021

WITH

WRIT PETITION NO. 14391 OF 2021

...

**Shri Anuj Fulpagar, Advocate i/by Shri P.R. Katneshwarkar,
Advocate for Respondents 3 and 4 in WP/7176/2019.**

Shri P.K. Lakhotiya, AGP for the Respondents/ State Authorities.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 09th February, 2024

Per Court :-

1. This is a motion for speaking to the minutes of the

order dated 12.12.2023.

2. The learned Advocate for the Respondent/ Sugar Factory, submits that in all these matters, there is no Liquidator appointed. It is the Authorized Officer who represents the Sugar Factory. He, therefore, prays that in the Minutes of the Order “X-1” dated 12.12.2023, the parties may be permitted to replace the word “Liquidator” in clause 2 by the word “Authorized Officer”. Similarly, in paragraph 4E of the order 12.12.2023, the word “Liquidator” appearing at two places be replaced by the word “Authorized Officer”.

3. In view of the above, leave to correct X-1 to the extent of clause 2. Consequentially, correction in paragraph 4E of the order be carried out and the corrected order be uploaded. **The motion is, accordingly, disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

(This order stands corrected and uploaded in view of the order dated 09.02.2024)

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

8 WRIT PETITION NO. 14392 OF 2021

Nirmala Dhanraj Chodhary And Another
.....Petitioner

VERSUS

The State Of Maharashtra And Others
.....Respondent

WITH

WRIT PETITION NO. 7176 OF 2019

The Jalgaon District Central Co Op Bank Ltd Jalgaon Through Its
Manager
.....Petitioner

VERSUS

The State Of Maharashtra And Others
.....Respondent

WITH

CIVIL APPLICATION NO. 14590 OF 2022 IN WP/7176/2019

Harshad Shashikant Jain
.....Petitioner

VERSUS

The Jalgaon District Central Co Op Bank Ltd Jalgaon
Through Its Manager

WITH

CIVIL APPLICATION NO. 11807 OF 2021 IN WP/7176/2019

The Jalgaon District Central Co-op. Bank Ltd Jalgaon Through Its
Manager
.....Petitioner

VERSUS

The State Of Maharashtra And Others
.....Respondent

WITH

CIVIL APPLICATION NO. 11808 OF 2021 IN WP/7176/2019

Mahendra Uddhav Dhande And Another
.....Petitioner

VERSUS

The Jalgaon District Central Co-operative Bank Limited Through Its
Manager And Others
.....Respondent

WITH

CIVIL APPLICATION NO. 330 OF 2022 IN WP/7176/2019

Madhukar Sahakari Sakhar Karkhana Rashtriya Kamgar Sangha

Faizpur Through General Secretary

.....Petitioner

VERSUS

The Jalgaon District Central Co-operative Bank Ltd Jalgaon Through
Its Manager And Others

.....Respondent

WITH

CIVIL APPLICATION NO. 329 OF 2022 IN WP/7176/2019

Vilas Tatyabhau Garje And Others

.....Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondent

WITH

CIVIL APPLICATION NO. 328 OF 2022 IN WP/7176/2019

Sanjay Jankiram Sarode And Others

.....Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondent

WITH

WRIT PETITION NO. 14387 OF 2021

Prabhakar Giridhar Chowdhary And Another

.....Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondent

WITH

WRIT PETITION NO. 14429 OF 2021

Arman Ramjan Tadvı And Another

.....Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondent

WITH

WRIT PETITION NO. 14391 OF 2021

Pandharinath Raghunath Nehete And Others

.....Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondent

.....

Mr. V. D. Salunke, Mr. S. N. Patil h/for Mr. S.A. Ambilwade for the
Petitioners in respective Petitions.

Mr. P. K. Lakhotiya, AGP for Respondents State

Mr. P. R. Katneshwarkar, Advocate for Respondent No. 3 and for R/4

in WP No. 7176/2019

Mr. N. K. Chaudhari, Advocate for Respondent No.4 and for R/9 in WP No. 7176/2019

Mr. V. D. Hon, Senior Advocate i/by Mr. A.D. Sonkawade, Advocate for Respondent Nos. 6 and 7 in WP No. 7176/2019

Mr. S.H. Tripathi, Mr. V.B. Patil, Mr. P.S. Dighe h/for Mr. V.R. Dhorde, Advocates for the intervenors.

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

DATE : 12th December, 2023

ORDER:

1. Leave to add the Regional Joint Director, Sugar, Aurangabad as Respondent No.10. Addition be carried out forthwith. The learned AGP appears on behalf of the added Respondent No.10.

2. These matters were heard for some time yesterday. By the consent of the parties, a pass over was granted so as to enable them to prepare minutes of order or minutes of understanding. Today, the said minutes have been tendered to us, which have been signed by Shri P. R. Katneshwarkar, Shri V. D. Salunke, Shri S. N. Patil, Shri A. D. Sonkawade. It is marked as "X-1" for identification.

3. We are informed across the bar that all the parties are

agreeable for the following (reproduced 'X-1' verbatim).

"Minutes Of Order

- *All the Writ Petitions stand disposed off as under:-*
 1. *The amount of Rs.1,03,66,411/- be paid to the Petitioner/ Bank from the amount deposited in this Hon'ble Court.*
 2. *The remaining amount alongwith interest accrued should be transferred to **Authorized Officer** who shall disburse the amount as per the order of Regional Joint Director.*
 3. *All the parties, except the Bank and P. F. Authority before this Hon'ble Court, shall appear before the Regional Joint Director and lodge their claims.*
 4. *Regional Joint Director shall decide the claims as per Law and Rules.*
 5. *Regional Joint Director shall decide the claims within 2 months from the date of receipt of this order."*

4. In view of the above, **all these Petitions are disposed off** in terms of the 'minutes of order X-1'. To be specific, we record as under:-

(A) As per the Order of this Court dated 29.10.2021, passed in Civil Application Nos. 11807 and 11808 of 2021, the Applicant Bank was permitted to withdraw Rs.10,18,07,563/- out of an amount of

Rs.29,66,90,458/-, which was earlier deposited in this Court and the remaining amount of Rs.19,48,82,895/- was retained in this Court.

- (B) An amount of Rs.1,03,66,411/- would be withdrawn by the Jalgaon District Central Cooperative Bank Ltd., through its authorized signatory (Petitioner), from this Court under due identification by the learned Advocate representing the party.
- (C) An amount of Rs.1,37,14,112/- would be withdrawn from this Court by the Regional Provident Fund Commissioner (I), Regional Office, Nasik, through an authorized representative and under identification of the learned Advocate representing the party.
- (D) By consent of the parties, the remainder amount with accrued interest, meaning that, the amount deposited in this Court after paying the Bank and the PF authorities, would be transferred to the Regional Joint Director of Sugar, Aurangabad. He would consider the claims of the parties with regard to the apportionment of their dues, strictly in accordance with law.

(E) If there are any other claimants who can legitimately stake their claim for unpaid dues, they shall apply to the **Authorized Officer** and the **Authorized Officer** would follow the due procedure laid down in law, while considering such claims.

5. Pending Civil Applications do not survive and stand disposed off.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan