

Digitally
signed by
PURTI
PRASAD
PARAB
Date:
2023.04.24
17:36:53
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11910 OF 2013

Rajendra Vithal Raut and Ors.Petitioners
V/s.
The State of Maharashtra and Ors. ...Respondents

**ALONGWITH
CIVIL APPLICATION NO. 1051 OF 2015
IN
WRIT PETITION NO. 11910 OF 2013**

Siddhanath Sugar Mills Ltd.Applicant
In the Matter Between
Rajendra Vithal Raut and Ors.Petitioners
V/s.
The State of Maharashtra and Ors. ...Respondents

**ALONGWITH
CIVIL APPLICATION NO. 2120 OF 2014
IN
WRIT PETITION NO. 11910 OF 2013**

The Solapur District Central
Co-operative Bank Ltd.Applicant
In the Matter Between
Rajendra Vithal Raut and Ors.Petitioners
V/s.
The State of Maharashtra and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 7110 OF 2014**

Nagnath Uddhav KadamPetitioner
V/s.
State of Maharashtra and Ors. ...Respondents

Mr. Balkrishna D. Joshi a/w Mr. Virendra Pethe for Petitioner in WP No. 11910/2013.

Mr. B.A. Lawate for Petitioner in WP No. 7110/2014.

Ms. K.N. Solunke, AGP for State.

Mr. Sarang S. Aradhye for Respondent No.5.

Mr. S.P. Bharti for Respondent No.6.

Ms. Aditi Phatar a/w Ms. Kirti Ojha i/b BLAC & Co. for Respondent No.30 (RBI).

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 21st APRIL 2023

P.C. :

1. Mr. Aradhye states that formally the cause title to be amended to add the word “Administrator” before the details of Respondent No.5. Mr.Joshi states that the amendment will be carried out forthwith.

2. Mr. Joshi states that none of the prayers would survive since the State has pass an order under Section 88 of the Maharashtra Co-operative Societies Act, 1960 (the MCS Act) on 18th April 2023. Mr. Joshi states that the court may dispose the petition but direct the State to take further proceedings under Section 88 of the MCS Act at the earliest. Mr. Aradhye states that under Section 88 of the MCS Act it is provided, “..... Proceedings under sub section shall be completed by the authorised person within a period of two years from the date of issue of order by the Registrar. Provided further that the Registrar may, after recording the reasons there for, extend the said period for a maximum period of six months”.

3. As administrator of Respondent No.5, Mr. Aradhye states that it will also be in the interest of Respondent No.5 if these proceedings are concluded at the earliest.

4. In the circumstances, we would expect the State to complete the proceedings at the earliest and not wait for the maximum period of two years or the extended period of further six months but endeavour to complete the proceedings preferably within six months.

5. Petition accordingly stands disposed with these observations.

6. Consequently, Interim Applications, if any also stand disposed.

WRIT PETITION NO. 7110 OF 2014

7. Mr. Lawate states that in view of the above, Writ Petition No. 7110 of 2014 will not survive.

8. Petition accordingly stands disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)