



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7037 OF 2022

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|--|---|-----------------|
| 1. Shri Ananda Atmaram Powar |] | |
| Age – Adult, Occu. Agriculture, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | |
| 2. Shri Shrikant Annu Biranje |] | |
| Age – Adult, Occu. Agriculture, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | |
| 3. Shri Narsappa Tatoba Ambi |] | |
| Age – Adult, Occu. Agriculture, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | |
| 4. Shri Balkrushna Laxman Kumbhar |] | |
| Age – Adult, Occu. Agriculture, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | |
| 5. Shri Jambukumar Dhanpal Chougule |] | |
| Age – Adult, Occu. Agriculture, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | |
| 6. Shri Dastagir Shamshuddin Sutar |] | |
| Age – Adult, Occu. Agriculture, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | |
| 7. Sou. Padmashree Appaso Hulle |] | |
| Age – Adult, Occu. Housewife, |] | |
| R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |] | ... Petitioners |

Versus

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| 1. Authorized Inquiry Officer |] |
| Shri Laxmi Nagari Sahakari Patsanstha |] |
| Limited, |] |
| Rui, Tal. Hatkanangale, Dist. Kolhapur |] |
| Through Deputy Registrar, Sahakari Sanstha, |] |
| Tal. Hatkanangale, District Kolhapur. |] |

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| 2. | Shri Laxmi Nagari Sahakari Patsanstha Limited,
Rui, Tal. Hatkanangale, District Kolhapur. |]
]
] | |
| 3. | Shri Shrikant Babaso Murchite
Age – Adult, Occu. Service,
R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 4. | Shri Suresh Jinpal Murchite
Age – Adult, Occu. Service,
R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 5. | Shri Raviraj Raosaheb Balvan
Age – Adult, Occu. Service,
R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 6. | Shri Sagar Kallappa Kumbhar
Age – Adult, Occu. Service,
R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 7. | Shri Sanjay Shripal Kore
(Deceased through his Legal Heirs |]
] | |
| 7A. | Smt. Sunita Sanjay Kore
Age – Adult, Occu. Housewife,
R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 7B. | Shri Sachin Sanjay Kore
Age – Adult, Occu. Business,
R/o. Rui, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 7C. | Sou. Shraddha Sachin Jondhale
Age – Adult, Occu. Agriculture & Housewife
R/o. Bachani, Tal. Kagal, Dist. Kolhapur. |]
]
] | |
| 8. | Shri S. S. Teli (Auditor)
R/o. Vikali Market, Opp. Prakash Talkij,
Ichalkaranji, Tal. Hatkanangale, Dist. Kolhapur. |]
]
] | |
| 9. | Divisional Joint Registrar,
Co-operative Society, Kolhapur Division,
Kolhapur. |]
]
] | ... Respondents |

Mr. Umesh R. Mankapure for Petitioners.

Mr. Aditya S. Raktade for Respondent No.4.

Mr. Ruturaj Pawar for Respondent No.7B.

Mr. P. P. Pujari, AGP for State / Respondent No.9.

CORAM :- SANDEEP V. MARNE, J.
RESERVED ON :- 31 OCTOBER, 2023
PRONOUNCED ON :- 04 NOVEMBER, 2023

JUDGMENT :

1. ***Rule.*** Rule made returnable forthwith. With the consent of the learned counsel for parties, Petition is taken up for hearing.

2. This Petition is filed by 7 Directors and Ex-Directors of Shri Laxmi Nagari Sahakari Patsanstha Limited challenging order dated 24/05/2022 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur. By that order, the Divisional Joint Registrar had merely adjourned the hearing of the Revision Application No.107/2022. Petitioners perceived that order as if the Divisional Joint Registrar was not entertaining the Revision Application and filed the present Petition. During pendency of the Petition, the Divisional Joint Registrar passed order dated 28/07/2022 and has rejected Revision Application No. 107/2022 filed by the Petitioners. Accordingly, the present Petition is amended and the Petitioners have challenged the Order dated 28/07/2022 is also challenged. During the course of hearing of the present Petition, learned counsel appearing for the Petitioners felt that the earlier Order dated 20/12/2021 passed by the Divisional Joint Registrar in Appeals filed by Respondent Nos.3 to 7 was also required to be challenged and accordingly Petitioners are granted leave to further amend the Petition for challenging the Order dated 20/12/2021 as well. This is how two substantive Orders dated 20/12/2021 passed in Appeal Nos.111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 as well as order dated 28/07/2022 rejecting Petitioners' Revision Application No.107/2022 are under challenge in the present Petition.

3. Briefly stated, facts of the case are that Respondent No.2 is a co-operative credit society. Petitioners are Directors and Ex-Directors of Respondent No.2-society. Statutory audit of the society was conducted for a period 2015-2016 and 2016-2017. The Registrar directed inquiry under section 88 of the Maharashtra Cooperative Societies Act, 1960 (**'MCS Act, 1960'**) on the basis of the audit report. Accordingly, an Inquiry Officer was appointed, who conducted the inquiry as contemplated under Section 88 of the MCS Act, 1960 read with Rule 70(2) of the Maharashtra Cooperative Societies Rules, 1961 (**'MCS Rules, 1961'**). After conducting the inquiry, the inquiry officer held 5 employees (Respondent Nos.3 to 7) responsible for cause of loss of Rs.8,31,37,212.19/-. The directors and ex-directors (including Petitioners) were exonerated in the inquiry.

4. Respondent Nos.3 to 7 filed Appeal Nos. 111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 respectively before the Divisional Joint Registrar challenging the report of the Inquiry Officer dated 13/07/2020. In those Appeals, the Petitioners attempted to intervene by filing Intervention Applications. The Intervention Applications were however rejected by the Divisional Joint Registrar by Order dated 05/11/2020 holding that the Petitioners are not aggrieved parties. The Divisional Joint Registrar thereafter proceeded to hear Appeal Nos.111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 filed by Respondent Nos.3 to 7 and by common Order dated 20/12/2021 allowed the Appeals partly, set aside the inquiry dated 13/07/2020 and remanded the matter for fresh inquiry. In that order, the Divisional Joint Registrar recorded findings against the Petitioners seeking to hold them responsible for cause of loss to the society.

5. In pursuance of the order passed by the Divisional Joint Registrar on 20/12/2021, the Inquiry Officer issued notices not just to the 5 employees but also to the past and present Directors on 27/01/2022. Petitioners, therefore, filed objections before the Inquiry Officer on 18/02/2022 contending that the scope of remand by the Divisional Joint Registrar did not include conduct of any inquiry against the Petitioners. Their application came to be rejected by the Inquiry Officer by Order dated 17/03/2022. Aggrieved by the decision of the Inquiry Officer dated 17/03/2022, Petitioners preferred Revision Application No.107/2022 before the Divisional Joint Registrar. On 24/05/2022, the Divisional Joint Registrar merely adjourned the Revision Application to 14/06/2022. However, treating the said order dated 24/05/2022 as rejection of Revision Application, the Petitioners have filed the present Petition by challenging the Order dated 24/05/2022. During pendency of the present Petition, the Divisional Joint Registrar rejected Revision Application No.107/2022. Petitioners have accordingly amended the Petition and have challenged the Order dated 20/07/2022 as well. As observed above, the Petitioners are also granted leave to challenge the earlier Order dated 20/12/2021 passed by the Divisional Joint Registrar on Appeals filed by Respondent Nos.3 to 7.

6. Mr. Mankapure, the learned Counsel, would appear on behalf of the Petitioners and submit that once the Petitioners are exonerated in the inquiry, their role cannot be investigated once again on a remand order passed in Appeals filed by Respondent Nos.3 to 7. That, the Petitioners were not impleaded in the Appeals by Respondent Nos.3 to 7 and therefore remanded inquiry cannot include investigation into the role of the Petitioners. He would submit that the Petitioners were not permitted to intervene in the Appeals filed by Respondent Nos.3 to 7 on

the ground that they are not aggrieved parties. However, while passing Order dated 20/12/2021, the Divisional Joint Registrar has virtually indicted the Petitioners, without hearing them. That therefore Order dated 20/12/2021 is liable to be set aside. That, while granting leave in favour of Respondent Nos. 3 to 7 in Appeals filed by them, the Divisional Joint Registrar could not have passed an order adverse to Petitioners. That, despite urging before the Inquiry Officer that the remit of the inquiry does not cover conduct of Petitioners, the Inquiry Officer has undertaken exercise of probing Petitioners' role and the Divisional Joint Registrar has permitted the Inquiry Officer to do so by rejecting Petitioners' Revision Application No.107/2022 by Order dated 28/07/2022.

7. *Per Contra*, Mr. Pawar, learned Counsel appearing for Respondent No.7B, would oppose the Petition. He would submit that the present Petition is not maintainable as the Petitioner is essentially challenging Notice issued under Rule 72(2) of the MCS Rules, 1961 and in support of his contention, he would place reliance Judgment of this Court in ***Hanmantrao Banduji Pawar and Others Vs. Ajinkya Nagari Sahakari Patsanstha, Sangli & Others***¹. He would further submit that the Petition, as originally filed, is not even maintainable as it challenged an order merely adjourning the Revision Application. Inviting my attention to the conduct of the Petitioners, Mr. Pawar would submit that despite rejection of Revision Application on 28/07/2022, they failed to take any steps to challenge the said order and kept the present Petition pending for over a year which had raised a challenge merely to an adjournment order. That, the interim application for amendment was filed only after Respondent No.7B invited attention of this Court to the Order dated 28/07/2022. That, even *qua* Order dated 28/07/2022, the Petitioners

¹ ***2017 SCC OnLine Bom 5132***

have alternate and equally efficacious remedy of filing Revision before the State Government and that, therefore, present Petition cannot be entertained.

8. Mr. Pawar would further submit that the Petitioners have participated in the inquiry proceedings after remand and are therefore now estopped from challenging the same. He would submit that the inquiry is now at the fag end. That, belated challenge to the Order dated 20/12/2021 by amending the Petition on 31/10/2023 is barred by delay and laches and that such challenge is an afterthought. He would pray for dismissal of the Petition.

9. Mr. Raktade, the learned Counsel appearing for Respondent No.4 would also oppose the Petition and support the arguments canvassed by Mr. Pawar.

10. I have also heard Mr. P. P. Pujari, learned AGP appearing for State – Respondent No.9 who would oppose the Petition and support the orders passed by the Divisional Joint Registrar.

11. I have considered the submissions canvassed by the learned Counsel for rival parties.

12. The Petition as was originally filed, challenged merely an order adjourning the hearing of Revision Application No.107/2022. It is debatable as to whether the present Petition could at all be filed challenging merely an adjournment order. However, it appears that Petitioners believed that the inquiry would progress during pendency of Revision Application No.107/2022 and therefore they filed the present Petition to stall the inquiry. Be that as it may. During pendency of the

present Petition, Revision Application No.107/2022 filed by the Petitioners challenging the decision of the Inquiry Officer dated 17/03/2022 has been rejected on 28/07/2022. Thus, the net result of rejection of objection raised by the Petitioners before the Inquiry Officer about the remanded inquiry not covering their role and upholding the decision of Inquiry Officer by the Divisional Joint Registrar is that the Petitioners are now subjected to the inquiry under Section 88 of the MCS Act, 1960. It is Petitioners' contention that they have been exonerated by the Inquiry Officer in the earlier inquiry report dated 13/07/2020 and that, therefore, no inquiry can be conducted against them in pursuance of the remand order passed by the Divisional Joint Registrar.

13. The Petitioners were indeed exonerated by the Inquiry Officer in the earlier inquiry report dated 13/07/2020 wherein the Inquiry Officer held that the Directors of the society were not responsible for causing loss to the society. The Inquiry Officer held the 5 employees (Respondent Nos.3 to 7) responsible for causing loss of Rs.8,31,37,212.19/- and after apportioning the said amount, directed the amount to be recovered from Respondent Nos.3 to 7. The report of the Inquiry Officer was challenged by Respondent Nos.3 to 7 by filing Appeal Nos.111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 before the Divisional Joint Registrar. Petitioners apprehended that the Divisional Joint Registrar may pass some order adverse to their interests and therefore filed application seeking impleadment in the Appeals filed by Respondent Nos.3 to 7. The Divisional Joint Registrar, however, rejected the Intervention Application holding that the Petitioners are not aggrieved parties. However, when the Divisional Joint Registrar proceeded to decide the Appeals finally by order dated 20/12/2021, he made following observations against the Petitioners :

- “K. After perusal of impugned report and arguments advanced by the advocates of the Appellants, it is particularly noted that the report is based on the Audit Report, wherein auditor has remarked that the managing committee is not responsible for the misappropriation and misapplication of funds of the society and only the Appellants are responsible. It is also noted that without verifying the record of the society, Auditor has concluded the remarks in respect of the responsibility. Actually, to assess the damages caused to the society, report reflects the amount of volume and not reflects the responsibility as per the Act and Rules. It is to be inquired under section 88 and Rule 72. Inquiry is necessary regarding the extent to which the person who has taken any part in the organization or management of the society. Admittedly, there is managing committee, they are having powers to control over the society as per the provisions of the Act, Rules and bye laws. The Auditor has not filed oral evidence on Affidavit and without filing Affidavit, Cross examination is allowed as it is not just and proper as per the Evidence Act.*
- M. There is omissions of the managing committee who have taken part in the management of the society, as they have not performed their duty casted upon them as per Act, Rules and Bye laws of the society.”*

14. In my view, the action of the Divisional Joint Registrar in holding Petitioners responsible for the loss caused to the society in order dated 20/12/2021 is a glaring error as the Divisional Joint Registrar had not heard Petitioners before making those observations. Petitioners were not impleaded as parties in Appeal Nos.111/2020, 112/2020, 114/2020, 115/2020 and 116/2020. When they attempted to intervene, the Divisional Joint Registrar turned them away holding that they are not aggrieved parties. However, the Divisional Joint Registrar later proceeded to make adverse observations against the Petitioners. Those observations are thus clearly erroneous and cannot be sustained only because the same are recorded without hearing Petitioners.

15. Having held that the observations made by the Divisional Joint Registrar in the Order dated 20/12/2021 against the Petitioners are unsustainable, the question is whether the Order dated 20/12/2021 is required to be set aside only on that ground.

16. In pursuance of Order dated 20/12/2021, fresh inquiry is being conducted by the Inquiry Officer under Section 88 of the MCS Act, 1960. Since fresh inquiry is directed to be conducted, the Inquiry Officer covered roles of all concerned persons (including Petitioners) for probe for the purpose of finding out as to who are responsible for causing loss to the society and to what extent. The issue is whether the Petitioners can claim that their role cannot now be probed once again since they are already exonerated in the inquiry report dated 13/07/2020. This contention is raised essentially due to denial of opportunity of hearing to Petitioners by Divisional Joint Registrar while passing order dated 20/12/2021. In the normal circumstances, there would be estoppel on conducting a fresh inquiry once a person is exonerated in an earlier inquiry and inquiry is remanded without hearing him. However, in the present case, the intention and objective behind enacting provisions of section 88 of the MCS Act is required to be borne in mind. Section 88 reads thus :-

“88. Power of Registrar to assess damages against delinquent promoters, etc.-

(1) Where, in the course of or as a result of an audit under section 81 or an inquiry under section 83 or an inspection under section 84 or the winding up of a society, the Registrar is satisfied on the basis of the report made by the auditor or the person authorised to make inquiry under section 83 or the person authorised to inspect the books under section 84 or the Liquidator under section 105 or otherwise that any person who has taken any part in the organisation or management of the society or any deceased, or past or present officer of the society has, within a period of five years prior to [the date of commencement of such audit or date of order for inquiry, inspection or] winding up, misapplied or retained, or become liable or accountable for, any money or property of the society, or

has been guilty of misfeasance or breach of trust in relation to the society, the Registrar or a person authorised by him in that behalf may frame charges against such person or persons, and after giving a reasonable opportunity to the person concerned and in the case of a deceased person to his representative who inherits his estate, to answer the charge, make an order requiring him to repay or restore the money or property or any part thereof, with interest at such rate as the Registrar or the person authorised under this section may determine, or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retention, misfeasance or breach of trust, as he may determine.

*[**Provided** that, 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 therefore, extend the said period for a maximum period of six months :]*

*[**Provided also** that, the Government may, on the report of the Registrar or suo motu, for the reasons to be recorded in writing, extend the said period as may be required, from time to time, to complete the proceedings under this sub-section :*

***Provided also** that, in case of the proceedings under this sub-section which have not been completed within the aforesaid period on the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2017, the Government may, on the report of the Registrar or suo motu, for the reasons to be recorded in writing, extend the period, from time to time, for completion of such proceedings as may be required.]*

(2) The Registrar of the person authorised under sub-section (1) in making any order under this section, may provide for the payment of the cost or any part thereof, as he thinks just, and he may direct that such costs or any part thereof shall be recovered from the person against whom the order has been issued.

(3) This section shall apply notwithstanding that the act is one for which the person concerned may be criminally responsible.”

17. Thus, under Section 88, the Registrar is empowered to conduct an inquiry after receipt of report of an auditor under Section 81 to determine liability against persons responsible for misfeasance or breach of trust for the purpose of recovery of loss caused to the society. Section 88 has been enacted for the purpose of ensuring that the persons

who are responsible for causing loss to the society are made to pay the same. Once this objective is kept in mind, it is difficult to restrict the scope of inquiry under Section 88 to only employees of the society in the present case. Therefore, though the Divisional Joint Registrar has committed an error in making an order of remand of inquiry by recording adverse observations against the Petitioners, his order is not liable to be set aside only on the count that the Petitioners were not heard while making an order of remand.

18. One must also bear in mind the consequences of setting aside the order dated 20/12/2021. If that order is set aside today and the Appeal Nos. 111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 are restored for being decided afresh after grant of opportunity of hearing to Petitioners, the inquiry conducted so far in pursuance of Order dated 20/12/2021 would be rendered otiose. If Mr. Pawar is to be believed, the inquiry is at the fag end where the entire evidence is already recorded. The inquiry was restarted by issuance of notices by the Inquiry Officer on 27/01/2022. Thus, by now period of more than 20 months has elapsed since commencement of fresh inquiry. In such circumstances, setting aside the order dated 20/12/2021 at such a distant point of time would render the entire efforts of the Inquiry Officer in taking evidence of several persons on record as futile. If the Petitioners are now to be granted opportunity of being heard before the Divisional Joint Registrar while deciding Appeal Nos. 111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 and the Divisional Joint Registrar still feels it appropriate to remand the inquiry, the inquiry will have to be conducted afresh henceforth. Mr. Mankapure has fairly offered to agree for mere suspension of inquiry during rehearing of Appeals by the Divisional Joint Registrar and according to him, if Petitioners lose in the Appeals, the inquiry can be

restarted from the stage it has been suspended. The offer appears attractive in the first blush but does not merit acceptance. Firstly, Petitioners did not challenge Divisional Joint Registrar's Order dated 20/12/2021 and has virtually acquiesced in the same till they were permitted by this Court to amend the Petition for incorporating challenge to that Order. Secondly, such remand would indefinitely delay conduct of inquiry. If the Divisional Joint Registrar decides against Petitioners in remanded proceedings, they will assail that Order in further proceedings. Thus, for curing the technical error committed by the Divisional Joint Registrar in rejecting Petitioners' intervention applications, the inquiry *qua* the employees (who are held guilty in previous proceedings) would also be indefinitely delayed. Thus remand would actually assist the employees in delaying the inquiry. Therefore, while criticizing the approach of the Divisional Joint Registrar in rejecting Petitioners' intervention applications and in making adverse observations against them behind their back, this Court is not inclined to set aside the Order dated 20/12/2021.

19. It must be borne in mind that the loss suffered by the society pertains to the years 2015-2016 and 2016-2017. The earlier inquiry was directed to be conducted on 22/06/2018. By now period of 5 long years has elapsed and the inquiry is still incomplete. It is therefore necessary in the interest of justice that the inquiry is taken to its logical end as early as possible. True it is that reopening of inquiry against the Directors and ex-Directors has caused heartburn and anxiety amongst them. By previous inquiry report dated 13/07/2020, Petitioners have been exonerated and are not held liable for recovery of any loss caused to the society. On account of reopening of the inquiry, the Inquiry Officer now wants to examine whether even the Directors and Ex-Directors can be held

responsible for causing of loss to the society and whether any amount can be recovered from them. In ordinary course, the Inquiry Officer is bound to inquire into the conduct of Directors who actually are in-charge of the affairs of a society. In the present case, however, the Petitioners are seeking immunity from inquiry on account of findings recorded in the earlier inquiry report dated 13/07/2020. However, the Divisional Joint Registrar has exercised jurisdiction vested in him and had directed reopening of the entire inquiry, even against the Directors and Ex-Directors. The only error committed by the Divisional Joint Registrar is rejecting the applications filed by the Directors and the Ex-Directors seeking to intervene in Appeal Nos.111/2020, 112/2020, 114/2020, 115/2020 and 116/2020 filed by Respondent Nos.3 to 7. If the Order dated 20/12/2021 was to be passed after hearing the Petitioners, they would not have been in a position to oppose conduct of fresh inquiry under Section 88 against them. The issue is therefore about the extent of benefit which could be extended to the Petitioners. As observed above, if Order dated 20/12/2021 is to be set aside at this juncture for curing the technical error, the same would render the entire fresh inquiry otiose. On the other hand, if the Order dated 20/12/2021 is allowed to stand, the Petitioners would still get an opportunity to present their case before the Inquiry Officer. They can contend before the Inquiry Officer that they were correctly exonerated in the previous report dated 13/07/2020. They can rely upon the findings recorded in Inquiry Report dated 13/07/2020 for the purpose of demonstrating that they have rightly been exonerated. Of course, the findings in the report dated 13/07/2020 would not bind the Inquiry Officer, who is supposed to conduct the inquiry afresh. However, this would not preclude the Petitioners from demonstrating that their exoneration in the previous inquiry was proper. This is how the Petitioners would not be condemned unheard. They would be heard by

the Inquiry Officer and in the event the Inquiry Officer makes any order adverse to them, they have the remedy of filing Appeal before the Divisional Joint Registrar. In my view, therefore, the correct course of action to be adopted in the present Petition is to permit the Inquiry Officer to conduct fresh inquiry rather than setting aside the Order dated 20/12/2021.

20. One thing must however be observed that the Divisional Joint Registrar has erroneously made observations against the Petitioners in paragraphs 'K' and 'M' of his Order dated 20/12/2021. The said findings are absolutely unwarranted as they are made behind the back of the Petitioners. Therefore, while deciding the inquiry proceedings afresh, the Inquiry Officer shall not take into consideration and shall not be influenced by the said observations made by the Divisional Joint Registrar in Order dated 20/12/2021. Beyond this clarification, Petitioners are not entitled to any further relief in this Petition.

21. I am therefore not inclined to interfere in the Orders dated 20/12/2021 or 28/07/2022. With the above clarification, the Writ Petition is disposed of. All contentions of parties on merits are kept open. Rule is discharged.

(SANDEEP V. MARNE, J.)