

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.140 OF 2022

(Vishnu s/o Shankarsa Paralkar Vs. The State of Maharashtra, Department of
Co-operation thr. its Secretary, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. V. G. Bhamburkar, Advocate for Petitioner.
Mr. S. M. Ukey, Addl GP for Respondents 1, 2 & 10/State.

CORAM: ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.

DATE: 8th MARCH, 2023.

We note that presently all that can be considered is prayer (a) since the prayer that criminal action be initiated and that the amount be refunded to the depositors, if need be by auctioning the immovable property of the persons responsible for the misappropriation of the funds of respondent 11 – Society, can be considered only after the accounts are audited.

2. We note from the affidavit in response filed on behalf of the respondents 3 and 6 that the authorities have in principle agreed to conduct the audit. We may extract paragraphs 5 and 6 in the affidavit in response.

5. *It is further submitted that, on 02.02.2023, the District Deputy Registrar, Washim requested to the Divisional Joint Registrar, to appoint Shri R. M. Joshi (Special Auditor,*

Akola) to be appointed as an auditor to conduct the audit for the above referred periods. The order of appointment appointing auditor and to conduct audit would be issued within a period of one week.

6. *It is further submitted that, from the above, it would be clear that, principally all authorities have agreed to conduct the audit for the year 2004 to 2023. As soon as the appointment of the auditor is received, the auditor shall on the basis of the documents available would complete the audit.*

3. Mr. Bhamburkar is however, justified in submitting that the assurance that the auditor shall be appointed cannot be open-ended. We, therefore, direct that the auditor be appointed within the next two weeks, if not already appointed, and the audit shall be completed as expeditiously as possible. The other prayers can be agitated by the petitioner depending on the audit report.

4. Petition is disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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