



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

910 WRIT PETITION NO. 10180 OF 2021

THE NAGAR URBAN CO-OPERATIVE BANK AHMEDNAGAR (MULTI
STATE SCHEDULED BANK) THROUGH CEO

VERSUS

THE CENTRAL REGISTRAR OF CO-OPERATIVE SOCIETIES AND
JOINT SECRETARY (CO-OPERATION) AND OTHERS

WITH

CIVIL APPLICATION NO. 3579 OF 2024

IN WP/10180/2021

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None present for Petitioner.

Mr. R.B. Bagul Advocate for Resp. No.1.

Mr.Ajit M. Gholap Advocate for Resp. No.7.

Mr. Ajay T. Kanawade Advocate for Resp. No.1 in

Civil Application No.3579 of 2024.

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**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 3rd MAY 2024

ORDER :

1. Learned Advocate Mr. Ajay T. Kanawade submits that he has instructions to appear for respondent No.1 in Civil Application No.3579 of 2024.

2. Present Petition was filed by the petitioner Bank through

its Chief Executive Officer for following relief:-

“[B] Hold and declare that, the impugned communication / direction dated 08.06.2021, issued by respondent No.1 Central Registrar of Co-operative Societies and Joint Secretary (Co-operation), New Delhi thereby directing the petitioner bank to submit necessary information to the respondents No.2 and 8 is illegal, arbitrary and violative of Article 14, 19 (1)(c) and 21 of the Constitution of India, hence liable to be quashed and set aside and for that purpose issue necessary orders.”

3. The impugned communication dated 8th June 2021 was addressed to the administrator by the Assistant Commissioner (Co-operative) in respect of non-supply of documents to ex-Board members of the Bank. The administrator was directed by the Assistant Commissioner to supply those documents within seven days from the date of the said letter. As per the petitioner – Chief Executive Officer of the Bank, the said letter was violative of Article 14, 19 (1)(c) and 21 of the Constitution of India.

4. The subsequent developments had taken place. The petitioner Bank had gone into liquidation. Liquidator has been appointed. The Reserve Bank of India had passed an order on 4th October 2023 for cancellation of licence issued to carry on

banking business under Section 22 read with Section 56 of the Banking Regulation Act, 1949 as against the petitioner Bank. However, prior to that, this Court by order dated 15th September 2021, while issuing notice, had granted interim relief in the form that “ till then, no further coercive steps be taken against the petitioner by respondent No.1 pursuant to the impugned communication”.

5. On the last occasion, the learned Advocate appearing for the original petitioner, after adopting proper procedure, has withdrawn his appearance.

6. A separate Civil Application has been filed i.e. Civil Application No.3579 of 2024 by the applicant therein for cancellation / recall of the interim order passed by this Court on 15th September 2021.

7. Pursuant to the notice issued on the said Civil Application, learned Advocate Mr. Kanawade submits that he has instructions on behalf of the liquidator to appear on behalf of respondent No.1 in the said Civil Application. He further submits that as on today he has no instructions to appear for the petitioner in the Writ Petition.

8. Taking into consideration the contents of the Petition, it cannot be said that the liquidator would be the proper person who can be allowed to proceed with the matter i.e. for the cause which the Chief Executive Officer of the Bank wanted to canvass. Under the said circumstance, when the replacement cannot be allowed of the liquidator and taking note of the fact that the Bank has gone into liquidation, the main Petition deserves to be disposed of as the cause of action does not survive.

9. Accordingly, Writ Petition No.10180 of 2021 stands disposed of. Pending Civil Applications also stand disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAY24