



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 875 OF 2024

1. Sampat S/o Baburao Pawar,
Age : 61 Years, Occ. : Agri.
2. Prakash S/o Narayan Jakhede
Age : 57 Years,, Occ. : Agri.
3. Siraj S/o Mohammad Tamboli,
Age : 61 Years, Occu. : Agri.
4. Yogesh S/o Prakash Jakhede
Age : 32 Years, Occ. : Agri.
5. Pramod S/o Narayan Jakhede
Age : 35 Years, Occ. : Agri.
6. Bhausahab S/o Haribhau Khedkar
Age : 52 Years, Occ. : Agri.
7. Shripat S/o Raghunath Bandishti
Age : 52 Years, Occ. : Agri.
8. Sonba S/o Haribhau Khedkar
Age : 52 Years, Occ. : Agri.
9. Vitthal S/o Anna Babar
Age : 37 Years, Occ. : Agri.
10. Anna S/o Gena Babar
Age : 65 Years, Occ. : Agri.
11. Shalan w/o Anna Babar
Age : 60 Years, Occ. : Agri.
12. Dada S/o Madhav Khedkar
Age : 48 Years, Occ. : Agri.
13. Vilas S/o Namdev Godhade,
Age : 51 Years, Occ. : Agri.

14. Sadiq S/o Mohammad Tamboli,
Age : 56 Years, Occu. : Agri.
15. Salim S/o Mohammad Tamboli,
Age : 53 Years, Occu. : Agri.
16. Shafiq S/o Mohammad Tamboli,
Age : 51 Years, Occu. : Agri.
17. Shaukat S/o Abbas Sayyed,
Age : 71 Years, Occu. : Agri.
18. Balasaheb S/o Dnyandev Kshirsagar,
Age : 53 Years, Occu. : Agri.
19. Devram S/o Namdev Godhade,
Age : 71 Years, Occu. : Agri.
20. Dagadu S/o Tulshiram Dome,
Age : 66 Years, Occu. : Agri.
21. Rajendra S/o Bhanudas Shinde,
Age : 46 Years, Occu. : Agri.
22. Balbhim S/o Vithoba Golande,
Age : 47 Years, Occu. : Agri.
23. Devidas S/o Shridhar Shinde,
Age : 66 Years, Occu. : Agri.
24. Shankar S/o Dattatraya Gavhane,
Age : 46 Years, Occu. : Agri.
25. Dadasaheb S/o Sampat Pawar,
Age : 39 Years, Occu. : Agri.
26. Ramesh S/o Pandharinath Janjire,
Age : 49 Years, Occu. : Agri.
27. Salim S/o Ismail Shaikh,
Age : 51 Years, Occu. : Agri.
28. Namdeo Madhav Mohite
Age : 77 Years, Occ. : Agri.

29. Sakharam Namdeo Mohite
Age : 56 Years, Occ. : Agri,
All R/o Pedgaon, Tq. Shrigonda,
District Ahmednagar.
30. Nasimbee W/o Mohammad Tamboli
Since deceased through her LRS,
30(A) Sayara Ajij Tamboli
Age. 58 Years, Occ. : Household
R/o - Sy. No. 110/2/2B, Yerwada,
Pune.
- 30(B) Raisa Ajij Tamboli
Age. 56 Years, Occ. : Household
R/o- Shivaji Road, Shukrawar Peth,
Pune.
- 30(C) Shamimbano Rafiq Tamboli
Age. 55 Years, Occ. : Household
R/o- Near Belgavi School, Solapur
Tq and Dist- Solapur.

...PETITIONERS**...VERSUS...**

1. The State of Maharashtra,
Through its Secretary, Co-operation,
Marketing and, Textile Department,
Mantralaya, Mumbai.
2. The Divisional Joint Registrar,
Co-operative Soceity Nashik Division,
Nashik.
3. The Assistant Registrar,
Co-operative Societies Shrigonda
Dist. Ahmednagar.
4. Adv. Sudhir G. Shete, The Enquiry Officer
(Appointed U/Sec. 88 of the Maharashtra
Co-operative Societies Act, 1960),
Pedgaon Vividh Karyakari Seva
Sahkari Society, Pedgaon,
Tq. Shrigonda, Dist. Ahmednagar
5. Pedgaon Vividh Karyakari
Seva Sahkari Society,
Pedgaon, Tq. Shrigonda, Dist. Ahmednagar.
Through its Secretary

6. Dhondiba Vithoba Godhade
Age : 54 Years, Occ. : Agri.
7. Ashok Dattatraya Pawar
Age : 52 Years, Occ. : Agri.
8. Hasanbai Jangubhai Shaikh
Age : 51 Years, Occ. : Agri.
9. Chhaya Tukaram Mohit
Age : 45 Years, Occ. : Household
10. Sindubai Dattatrya Khedkar,
Age : 48 Years, Occ. :
11. Manik Bhanudas Zite
Age : 51 Years, Occ. : Agri.
12. Dadasaheb Malhari Khedkar
Age : 50 Years, Occ. : Agri.
13. Dattatraya Tukaram Ongale
Age : 49 Years, Occ. : Agri.
14. Sunil Bhanudas Navale
Age : 45 Years, Occ. : Agri.
15. Vinod Bajirao Karhale
Age : 47 Years, Occ. : Agri.
16. Sunil Kisan Khedkar
Age : 38 Years, Occ. : Agri.
17. Bhagwan Pandharinath Kanse
Age : 49 Years, Occ. : Agri.
18. Nanasaheb Rajaram Zite
Age : 49 Years, Occ. : Agri.
19. Ismail Kadar Pirzade
Age : 48 Years, Occ. : Agri.
Resp. no. 6 to 19
All R/o at Post Pedgaon,
Tq. Shrigonda, Dist. Ahmednagar.

...RESPONDENTS

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- Mr. A. D. Shinde, Mr. A. V. Wadwale, Advocates for the Petitioner Nos. 1, 3 to 7, 8 to 18, 20 to 27, 29, 30(A) to 30(C)
 - Ms. K. B. Patil-Bharaswadkar, Addl.GP for Respondent Nos. 1 to 3
 - Mr. V. D. Hon, Senior Counsel, a/w. Mr. S. S. Kote, Advocate i/b. Mr. A. V. Hon, Advocate for Respondent Nos. 6, 9 to 11, 13, 14, 16 to 18
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CORAM : ROHIT W. JOSHI, J.
DATE : JULY 16, 2025

ORAL JUDGMENT :

1. The petitioners are members of *Pedgaon Vividh Karyakari Seva Sahkari Society*, which is a co-operative society registered under the Maharashtra Co-operative Societies Act, 1960. The respondent nos. 6 to 19 were erstwhile directors of the said co-operative society. An audit of the society was conducted in accordance with Section 81 of the Maharashtra Co-operative Societies Act, 1960. Pursuant to the said audit, a proceeding under Section 88 was initiated in which the Authorised Inquiry Officer passed order dated 21.10.2021, holding respondent nos. 6 to 19 liable for the amounts as mentioned below :

Sr. No.	Name of Director/Employee	Period	Amount for 2009 to 2015	Amount for 2015 to 2019	Amount to be recovered
1.	Hasanbai Jangubhai Shaikh	2009 to 2015	1,54,038/-	-	1,54,038/-
2.	Ashok Dattatraya Pawar	2009 to 2015	1,54,038/-	-	1,54,038/-
3.	Vinod Bajirao Karhale	2009 to 2015	1,54,038/-	-	1,54,038/-
4.	Ismail Kadar Pirzade	2009 to 2015	1,54,038/-	-	1,54,038/-
5.	Nanasaheb Rajaram Zite	2009 to 2019	1,54,038/-	12,40,037/-	13,94,075/-
6.	Bhagwan Pandharinath Kanse	2009 to 2019	1,54,038/-	12,40,037/-	13,94,075/-
7.	Sunil Bhanudas Navale	2009 to 2019	1,54,038/-	12,40,037/-	13,94,075/-
8.	Sunil Kisan Khedkar	2009 to 2019	1,54,038/-	12,40,037/-	13,94,075/-
9.	Dattatraya Tukaram Ongale	2015 to 2019	-	12,40,037/-	12,40,037/-

Sr. No.	Name of Director/Employee	Period	Amount for 2009 to 2015	Amount for 2015 to 2019	Amount to be recovered
10.	Dadasaheb Malhari Khedkar	2015 to 2019	-	12,40,037/-	12,40,037/-
11.	Dhondiba Vithoba Godhade	2015 to 2019	-	12,40,037/-	12,40,037/-
12.	Manik Bhanudas Zite	2015 to 2019	-	12,40,037/-	12,40,037/-
13.	Sindubai Dattatrya Khedkar	2015 to 2019	-	12,40,037/-	12,40,037/-
14.	Chhaya Tukaram Mohite	2015 to 2019	-	12,40,037/-	12,40,037/-

2. The said order was challenged by the said respondents by filing appeal under Section 152 of the Maharashtra Co-operative Societies Act. The appeal was also dismissed vide order dated 22.09.2022, passed by the Divisional Joint Registrar/respondent no. 2.

3. Against the said order passed by the Appellate Authority respondent nos. 6 to 19, preferred a revision under Section 154 of the Maharashtra Co-operative Societies Act, which came to be partly allowed vide order dated 07.12.2023, passed by the Hon'ble Minister. The petitioners are aggrieved by the said order. The Hon'ble Minister has held that liability under Section 88 can be fixed only for a period of 5 Years, preceding the audit under Section 81. It is held that since the audit had commenced on 01.04.2019, the liability could have been fixed from 01.04.2014 and onwards and not for any period prior to 01.04.2014. In that view of the matter, the Hon'ble Minister has set aside both the orders passed by the Authorised Officer as well as the Appellate Authority.

4. The contention of the petitioners, who are members of the

Society is that the order passed under Section 88 fixes the monetary liability of the responsible persons in two parts, first, for period from 2009 to 2015 and second for the period from 2015 to 2019. Whereas the total liability for the first tenure from 2009 to 2015 is fixed at Rs.27,72,699/-; that for the subsequent period from 2015 to 2019 is determined as Rs.1,73,60,518/-. The learned advocate for the petitioner contends that the Hon'ble Minister could not have set aside the order in its entirety on account of limitation. He contends that there is no reason, whatsoever for setting aside the order *qua* the subsequent period from 2015-2019.

5. Mr. Hon, the learned senior advocate appearing for respondent no. 6 to 19 contends that the liability is not determined year wise and therefore, the Hon'ble Minister was constrained to set aside the entire order. He also states that several points were raised in the revision application, however, the Hon'ble Minister has set aside the order only on the point of limitation. He contends that in the event, the present petition is allowed, accepting the contention of the petitioner, then serious prejudice will be caused to respondent nos. 6 to 19 inasmuch as their contentions with respect to other aspects touching merits of the matter have not been dealt with.

6. Having heard the rival submissions as aforesaid and on perusal of the orders passed by the authorities, I am satisfied that in view of the

reasons recorded by the Hon'ble Minister, the order could not have been set aside in its entirety. Having regard to the reasons recorded, there is no justification for setting aside that part of the order, which determines the liability from the year 2015-2019 since the said period falls within preceding five (05) years, from the date of commencement of audit under Section 81. Likewise, issue of liability w.e.f. 01.04.2014 to 31.03.2015 was also required to be examined. The liability can be fastened from 01.04.2014 to 31.03.2019, since the said period falls within limit of five (05) Years, The order, therefore, cannot be sustained and is liable to be set aside.

7. However, the contention of the learned senior advocate that the other points which fall for consideration are not considered at all also merits consideration. The learned senior advocate is right in contending that the other aspects, which were raised in the revision are not even dealt with by the Hon'ble Minister and therefore, if the order is passed by the Hon'ble Minister is set aside, serious prejudice will be caused to respondent no. 6 to 19. Having regard to such situation in the considered opinion of this Court, ends of justice will be subserved by quashing and setting aside the order dated 07.12.2023 passed by the Hon'ble Minister and remitting the matter to the Hon'ble Minister for deciding the revision again.

8. The parties shall appear before the Hon'ble Minister on

12.08.2025. Parties to note that fresh notices will not be issued in the matter. The Hon'ble Minister is requested to decide the revision on merits before 31.12.2025. The Hon'ble Minister shall decide each and every contention that is raised before him during the course of hearing so that the matter is not required to be remitted for fresh consideration as is being done now.

9. The petition is **disposed of**. Pending civil applications, if any, stand **disposed of**.

10. The charge created over the properties of respondent nos. 6 to 19 shall continue to operate for a period of 15 days beyond the date on which the revision is finally decided by the Hon'ble Minister.

[ROHIT W. JOSHI, J.]