

AGK

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

WRIT PETITION NO.3531 OF 2024

Nainesh Sanghvi & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Siddhesh Bhole with Mr. Nikhil Ghate & Ms. Srushti Mandade i/by SSB Legal and Advisory for the petitioners.

Mrs. V.S. Nimbalkar, AGP for respondent Nos.1 to 3/ State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 13, 2024

P.C.:

1. The petitioners seek leave to amend to restrict challenge arising out of proceedings under Section 88 of the Maharashtra Cooperative Societies Act, 1960 ("the said Act" for short) in the present writ petition and he seeks liberty to challenge rest of the orders in a separate writ petition.

2. Leave granted.

3. Prima facie it appears that the inquiry officer appointed under Section 88 of the said Act was replaced on 14 February 2022. Despite his replacement on 28 February 2022, he submitted a report which prima facie appears to be without authority.

4. On consideration of charges referred in summary of the administrative irregularities it prima facie appears that the allegations against the petitioner do not warrant an action under Section 88 of the said Act subject to hearing respondents.

5. Hence, issue notice to respondent Nos.4 to 6, returnable on **10 April 2024**.

6. Till 10 April 2024, all further proceedings arising out of inquiry report under Section 88 and consequent certificate shall not be effected.

(AMIT BORKAR, J.)