

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

WRIT PETITION NO.6723 OF 2024

Udaysingh Rao Gaikwad Sahakari
Sakhar Karkhana Ltd., Kolhapur .. Petitioner

Vs.

The State of Maharashtra,
Through Ministry of Co-operation and
Marketing, Mumbai and Ors. .. Respondents

Mr. Surel S. Shah with Mr. Shubham N. Shinde, Advocates for the
Petitioner.

Ms. Kavita N. Solunke, Assistant Government Pleader for the Respondent-
State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 7TH MAY, 2024.

PC. :

1. The petitioner – a Co-operative Society, who is authorized signatory, is aggrieved by the communication dated 30th April 2024 issued by the Divisional Joint Registrar (Sugar), Kolhapur Division, whereby a Four Member Enquiry Committee has been constituted to consider the complaint dated 30th April 2024 that has been made by respondent no.4. In the said complaint, it is alleged that during the period 2007-08 to 2022-23, there has been financial misappropriation of an amount of Rs.58,07,53,925/-.

2. According to the learned counsel for the petitioner, a similar

complaint was made by the father of respondent no.4 on 21st March 2016 alleging financial irregularities of the same extent. The enquiry report that came to be submitted was the subject matter of challenge in proceedings under Section 154 of the Maharashtra Co-operative Societies Act, 1960 before the State Government. On 17th July 2019, the enquiry report came to be set aside by allowing the revision. It is thus urged that on the same set of facts, a second enquiry could not have been directed.

3. Issue notice to the respondents, returnable on 11th June 2024. Learned Assistant Government Pleader waives notice for respondent nos.1 to 3.

4. Prima facie, considering the fact that the contents of the earlier complaint dated 21st March 2016 and the present complaint dated 30th April 2024 are identical, coupled with the fact that immediately on receiving the said complaint on 30th April 2024, the impugned communication has been issued on the same day, there shall be ad-interim relief in terms of prayer clause (c).

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]