



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

WRIT PETITION NO.2001 OF 2024

(Yogesh Traders, Proprietorship concern acting thr. its Prop. Yogesh s/o Ramchandra Nanwani Vs. The Commissioner & Registrar Maharashtra Co-operative Societies Act, Pune and others)

WRIT PETITION NO.2002 OF 2024

(Hotel Sanrose Restaurant & Bar, acting thr. its authorized Partner Bharti d/o Tulsidas Nanwani and another Vs. The Commissioner & Registrar Maharashtra Co-operative Societies Act, Pune and others)

WRIT PETITION NO.2003 OF 2024

(Lucky Wine Bar & Restaurant, Proprietorship concern acting thr. its Prop. Bharti d/o Tulsidas Nanwani Vs. The Commissioner & Registrar Maharashtra Co-operative Societies Act, Pune 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. Atul Pande, Advocate for Petitioner (In all petitions).
Mrs. S. S. Jachak, Addl GP for Respondent Nos.1 to 3/State. [WP 2001/2024].
Mrs. Mrunal S. Naik, AGP for Respondent Nos.1 to 3/State. [WP 2002/2024].
Mr. A. A. Madiwale, AGP for Respondent Nos.1 to 3/State. [WP 2003/2024].
Mr. P. M. Pande, Advocate for Respondent No.4 (In all petitions).

CORAM: BHARAT P. DESHPANDE, J.

DATE: 22nd MARCH, 2024.

Heard.

2. The short issue which is raised in the present petition is in-action on the part of respondent No.2 in concluding the enquiry which was initiated by notice dated 06.03.2023.

3. The learned counsel for the petitioner submit that a complaint was lodged before the Commissioner and

the Registrar of Maharashtra Co-operative Societies, Pune dated 27.02.2023 making allegations against the Recovery Officer of respondent No.4. The Commissioner vide his letter dated 28.02.2023 directed the District Registrar, Co-operative Societies, Yavatmal to take suitable action on the complaint lodged by the petitioner. Accordingly, the respondent No.2 issued notice to the respective parties on 06.03.2023 whereby directing the enquiry is being conducted and till that time the respondent No.4 was directed not take any coercive action against the petitioner. The matter was fixed on 16.03.2023.

4. It is the contention of the petitioner that though such enquiry was initiated, the same is not concluded till date and respondent No.4 failed to file reply before the concerned authority. He submits that in the meantime, respondent No.4 is issuing warrant of attachment of property for the recovery of the loan. Only relief which is now sought in this petition is to direct respondent No.2 to conclude the said enquiry within the time bound manner.

5. The learned Assistant Government Pleader appearing for the respondent Nos.1 to 3/State on instructions now submit that respondent No.2 will conclude the said enquiry within a period of fifteen days and after hearing the respective parties. He submits that respondent No.4 has filed the reply today only before respondent No.2. The learned counsel appearing for respondent No.4 submit that petitioners are the defaulters and huge amount is

outstanding against them in connection with six loan account. He submits that the order/notice dated 06.03.2023 issued by respondent No.2 together with directions not to take coercive action is without jurisdiction. He also submit that the complaint dated 27.02.2023 filed by the petitioner could not have been entertained by the Commissioner as the petitioner are having alternate efficacious remedy.

6. After considering the submissions and the objection raised on behalf of respondents, the petition could be disposed of by giving directions to respondent No.2 to conclude such enquiry within a period of fifteen days. Similarly, respondent No.2 shall afford opportunity to the petitioner as well as respondent No.4 to submit the necessary documents and to argue the matter orally if required.

7. The petitioner as well as respondent No.4 shall appear before respondent No.2 on 26.03.2024 at 01:00 p.m. and produce the relevant documents as well as argue the matter including the question regarding jurisdiction of the concerned authority to pass any orders. Respondent No.2 shall conclude such proceedings within fifteen days from the date of appearance i.e. on 26.03.2024 of this month. Needless to mention that this Court has gone into the merits of the matter. All contentions of all parties are kept open.

8. The petition stands disposed of in the above terms.

9. The parties shall act on the authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)

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