



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

WRIT PETITION NO. 7540 OF 2022

Mahendra Basweshwar Mode

Vs.

The Hon'ble Minister, Department of Cooperation, Mantralaya, Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sunil Kulkarni, Advocate for petitioner.
Mr. S.V. Narale, AGP for respondent/State.
Mr. R.S. Kalangiwale, Advocate for respondent No.3.

CORAM : N.R. BORKAR, J.

DATE : 29.08.2024.

This petition takes exception to the order dated 24.05.2021 passed by the respondent No.1 in Revision Petition No.288/2019.

2. The petitioner herein had filed the complaint to respondent No.2 and sought removal of respondent No.3 from the panel of certified Auditor. By order dated 18.04.2019, respondent No.2 directed the removal of the respondent No.3 from the panel of certified Auditor.

3. By the order impugned, respondent No.1 has allowed the revision filed by respondent No.3

and order passed by respondent No.2 came to be set aside.

4. I have heard Mr. Kulkarni, learned counsel for the petitioner and Mr. Narale, learned AGP for the respondent/State and Mr. Kalangiwale, learned counsel for respondent No.3.

5. The main grievance of respondent No.3 before respondent No.1 was that no opportunity of hearing was granted to him before passing the order of removal by respondent No.2. The other grounds were also raised before the respondent No.1, however, main grievance was of violation of principles of natural justice.

6. I have perused the order of respondent No.2. The removal was ordered, as certain discrepancies were found in the documents submitted by respondent No.3. In the facts and circumstances of the case, respondent No.1 ought to have remitted the matter back to respondent No.2.

7. The order of respondent Nos.1 & 2 are set aside.

8. The petitioner and respondent No.3 shall appear before the respondent No.2 on 12.09.2024.

9. The respondent No.2 shall permit respondent No.3 to file reply, if any, to the complaint filed by the petitioner and then shall pass fresh order in accordance with law.

10. The writ petition is disposed of accordingly.

(N.R. BORKAR, J.)