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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO. 3069 OF 2023

THE BHUSAWAL PEOPLES COOPERATIVE BANK LIMITED
THROUGH ITS LIQUIDATOR AUTHORIZED OFFICER

....Petitioner

VERSUS

BHUSAWAL PEOPLES CHARITABLE SANSTHA THROUGH ITS
PRESIDENT RAMAN DEVIDAS BHOLE AND OTHERS

.....Respondent

Mr. V. D. Hon, Senior Advocate i/b Mr. A. V. Hon, Advocate for
the petitioner

Mr. S. P. Shah, Advocate for the respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 09th APRIL, 2025

P. C.

1. Heard the learned senior advocate for the petitioner
and the learned advocate for the respondents.

2. The petitioner aggrieved by an order dated 25-01-
2023 passed by the learned District Judge-1, Bhusawal on an
application below Exh.31 in Misc. Civil Application No.30 of
2014 has approached this court. The petitioner happens to be

the Liquidator of Bhusawal Peoples Co-operative Bank Ltd., Bhusawal. Members of the bank, by virtue of that position, are the members of respondent trust. Now the Liquidator is appointed on 29-03-2012 on the petitioner bank. The connection between petitioner and respondent No.1 is in dispute as appears from the submissions advanced today.

3. There is dispute going on in respect of the trust. The change report was filed by the trustees. Said change report was rejected. Thereafter, same came to be remanded by the revisional authority. The said order of remand came to be challenged by the respondent in the Misc. Civil Application in which the petitioner is joined as respondent No.7. The petitioner has filed an application Exh.31, in the said proceeding. It is contended in the application, that since the Liquidator is appointed, there is no member officiating in the bank and as such, no member has any authority in the capacity as a member. Now, it is the Liquidator who is having control over the petitioner bank. It is, therefore, prayed that no order be passed

against the Liquidator holding that respondent Nos. 2 to 6 in the Misc. Civil Application have no any right and authority in the trust. Said application came to be rejected by the learned District Judge, Bhusawal. The petitioner is, therefore, before this court.

4. The learned senior advocate vehemently argued that since the respondents are no more members of the bank, there is no question of they having any authority even in the trust. Therefore, it is necessary to hold that they do not have any authority being members of the bank. He further submits that the learned Judge, thus committed an error in holding that the Liquidator is not concerned with the affairs of the trust. He, thus, prays for allowing the petition.

5. The learned advocate Mr. Shah on the other hand vehemently opposed the petition. He submits that bank and the trust are distinct entities. Accepting the fact that members elected to the bank become members of the trust by virtue of being members of the bank there is no other connection

between the two entities. The Liquidator necessarily is appointed to look after the affairs of the bank and not of the trust. The Liquidator is thus not concerned with any of the activities and dispute of the trust. The application of the trust therefore, is not tenable. In any case the Liquidator cannot pray for declaration that respondent Nos. 2 to 6 have any authority. He, thus, supports the impugned order.

6. This court has gone through the impugned order. The learned court has held that the Liquidator of the bank is not concerned with the lis pending between the members of the trust and has passed the order. This court finds that application to the extent of prayer not to pass any order against the petitioner is certainly tenable as the petitioner is made party to the Misc. Civil Application. However, it would be a question as to whether he has any right to ask for any other relief, as regards members of the trust is concerned? The answer will have to be 'No'. As this court holds that the petitioner does not have any right in the proceeding, so far as the affairs of the trust. This is

because the trust is distinct identity than the bank and Liquidator is appointed only upon the bank and his right, authorities, powers are only under the Maharashtra Cooperative Societies Act.

7. In view of above discussion, this court finds that petition needs to be disposed off. Hence, the following order:

ORDER

- a] The writ petition stands disposed off.
- b] The impugned order dated 25-01-2023 passed by the District Judge-1, Bhusawal below Exh.31 in Misc. Civil Application No. 30 of 2014 is quashed and set aside.
- c] The prayer of the petitioner as regards not to pass any order against the petitioner is allowed.

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d] So far as relief as regards respondents is concerned, said relief stands rejected.

e] With this, the writ petition stands disposed off.

[KISHORE C. SANT, J.]

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