

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15681 OF 2025

Pushpa Sureshkumar Nair and ors. ...Petitioners
Versus
State of Maharashtra and ors. ...Respondents

Mr. Kishor Patil i/by Mr. Sidheshwar Biradar, for the Petitioners.
Mr. Pratik B. Rahade, for the Respondent No.5.
Mr. Kedar Dighe, Addl. GP with Ms. Rupali Shinde, AGP, for the
Respondents Nos.1 to 3/ State.
Ms. Gauri Velankar i/by Mr. Sarang S. Aradhya, for the Intervenor.

CORAM: SUMAN SHYAM &
M. M. SATHAYE, JJ.

DATED: 24th NOVEMBER, 2025.

PC:-

1. In this Writ Petition the challenge is primarily to the Inquiry Report dated 16th October, 2025 and the consequential Recovery Certificate dated 6th November, 2025, issued by the Respondent No.3.

2. The Petitioners' case is that the Inquiry report had been prepared without following the provisions of the statute. Therefore, the Inquiry Report as well as the Recovery Certificate are illegal.

3. Mr. Kedar Dighe, learned Addl. GP appearing for the State, has, however, pointed out that there is a provision in the statute to prefer an appeal against the Recovery Certificate. Therefore, the Petitioners have an efficacious alternative remedy available to them.

4. After hearing the submissions made at the Bar and taking note of the submission made by the Petitioners' counsel that unless an ad-interim order is passed, the cause in this proceeding may frustrate, we grant three weeks time from today to the Petitioners to prefer an appeal before the statutory authority along with prayer for interim relief.

5. The prayer for interim relief be considered expeditiously and an effective order be passed therein within a period of three weeks thereafter. Facilitating the above process, the operation of the Recovery Certificate shall remain suspended, for a period of six weeks.

6. We also make it clear that Intervenor/Complainant shall also be made party in the appeal to be filed by the Petitioners and shall be heard in the matter before any order is passed.

7. The appeal, if filed within the time provided by this Court, shall be considered in accordance with law and disposed of with a reasoned order.

8. The Writ Petition stands disposed of accordingly.

(M. M. SATHAYE, J.)

(SUMAN SHYAM, J.)