IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 171 OF 2026
IN
WRIT PETITION NO. 333 OF 2017
AND
WRIT PETITION NO. 10437 OF 2021

Jalgaon District Central Co-operative
Bank Limited, Jalgaon,
Through its Manager,
Shri Bhikan Vasant Wagh,
Age : 55 years, Occu. : Service,
C/o. Jalgaon District Central Co-operative
Bank Limited, Jalgaon. .. Applicant

Versus

1. Belganga Sahakari Sakhar Karkhana,
Employees Union,
Through its General Secretary,
Shri Himmatrao s/o Bhikanrao Desale,
Age : 70 years,
Occu. : Retired Employee & Office Bearer,
R/o. Shivshakti Nagar, Bhadgaon Road,
Chalisgaon, Tq. Chalisgaon, Dist. Jalgaon.
Tq. Shiruranantapal, Dist. Latur.

2. The Union of India,
Through its Secretary,
Ministry of Labour.

3. The State of Maharashtra,
Through its Secretary,
Ministry of Co-operative and Sugar,
Mantralaya, Mumbai – 32.

4. The Assistant P. F. Commissioner,
Recovery Officer, SRO Nashik,

Plot No. P-11, “Bhavishya Nidhi Bhavan”,
MIDC Satpur, Nashik – 422 007.

5. The Assistant Commissioner of Labour,
Office of Assistant Commissioner Labour,
Rajendra Bhavan, Vivekanand Nagar,
Zilla Peth, Jalgaon.

6. The Commissioner of Sugar,
Maharashtra State, Pune,
Shivajinagar, Pune -5.

7. The Liquidator,
Belganga Sahakari Sakhar Karkhana Ltd.,
Bhoras, Belganga Nagar, Tq. Chalisgaon,
Dist. Jalgaon. .. Respondents

Mr. V. D. Salunke, Advocate for the Applicant.
Mr. P. K. Lakhotiya, AGP for Respondents-State
Mr. A. R. Borulkar, Advocate for Respondent No. 2
Mr. N. K. Choudhari, Advocate for Respondent No. 4.
Mr. D. B. Thoke, Advocate for Respondent No. 8 in W.P.(Through V.C.).

CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.

Date on which reserved for order : 07th September, 2026.

Date on which order pronounced : 01st October, 2026.

FINAL ORDER *(PER KISHORE C. SANT, J.)* :-

1. By way of this application, a review is sought of an interim order passed by this Court dated 25.08.2026 in Writ Petition No. 333/2017 and Writ Petition No. 10437/2021. By way of an interim order this Court permitted to withdraw an amount of

Rs. 6,16,89,365/- (Rs. Six Crore Sixteen Lakh Eighty Nine Thousand Three Hundred Sixty Five only) alongwith accrued interest. It was kept open for the individual members of the petitioner union in Writ Petition No. 333/2017 to lodge their claim for adjudication with the Provident Fund authorities and adjudicate the same within six weeks from the date of receipt of individual applications. It was further directed to the P. F. authorities to disburse the amount to the eligible employees on verifying their entitlement. The present applicant/respondent No. 7 bank in Writ Petition No. 333/2017 has filed this application seeking review of the said order as the amount which is permitted to be withdrawn from the office of this Court is the amount deposited by the said bank in the office of this Court pursuant to order passed by this Court.

2. Learned advocate Mr. Salunke for the applicant vehemently argued that the amount deposited by the bank is the amount of the shareholders. He further submits that, when the parties are ready to argue the petition for final disposal there was no need to pass such an interim order. The entitlement of the members of the petitioner Union is yet to be determined. There is even a question of locus standi of the Union which, according to him, it does not

have. An order though appears to be interim order, however, it is in the nature of final order. The petition is pending since 2017. The pleadings are also completed. However, the Court without hearing the matter for final disposal has passed the interim order at such a stage. When the petition itself is fixed for final hearing on 29.10.2026, an interim order is passed in hasty manner without considering the merits of the petition.

3. His further submissions are that the issue about the liability to pay the amount to the members of the petitioner society is yet to be adjudicated. Even a dispute is pending between the bank and added respondent No. 8 i.e. auction purchaser of the sugar factory. The writ is not maintainable against the Co-operative Society i.e. the present bank. This Court has already passed an interim order in Writ Petition No. 2969/2016 i.e. filed by the bank against the Provident Fund authorities. Pending the said petition, no party has filed any proceedings for determining their rights. In Civil Application No. 268/2017 in the said writ petition this Court has allowed the bank to proceed with the auction sale. It is the amount of the said sale proceeds which is deposited in this Court of Rs. Eleven Crores only. Only to secure the interest of the parties the amount was directed to be deposited in this Court. However,

the said was not at any stretch of imagination can be said to be deposited towards the P.F. contribution of the members of the petitioner Union. In the earlier order this Court has clearly observed that the claim of the P.F. authorities would be dealt with after the decision in the appeal before the Appellate Tribunal. In his submission, that adjudication is still pending. Though the said appeal is dismissed now a writ petition is pending before Single Judge. In the consent terms in Writ Petition No. 2969/2016, respondent No. 8 has clearly accepted the liability to pay the amount of P.F. It is thus for respondent No. 8 i.e. Ambaji Trading Company to pay the P.F. dues. Now the auction purchaser has stepped into the shoes of applicant bank and thus it is entirely for the said respondent to pay the P.F. amount. He submits that all these main questions are not dealt with by the Court while passing the order. The error apparent on the face of record is clear in his submission.

4. This application is vehemently opposed by the learned advocate Mr. Choudhari for P.F. authorities and other respondents. It is submitted by learned advocate Mr. Choudhari that the P.F. authorities have the first charge over the property. This position is accepted even by the bank. He submits that this Court considered

the order passed in S.L.P. (C) No. 27740/2011 filed by very same bank. In the said judgment, the Hon'ble Apex Court has clearly held that the first charge over the property of the debtor is of the P.F. authorities. This aspect is rightly considered by this Court while passing the impugned order.

5. In any case, in his submission, the amount would be lying idle in this Court till the decision of the writ petition. It is not in the interest of any of the parties to keep the amount idle in this Court. The only dispute is about the adjudication of the claims of the members of the petitioner Union. For that, in his submission, this Court has taken care by directing the authorities to consider the claims on its own merits and only thereupon to disburse the amount. He thus submits that, there is no error apparent on the face of record.

6. He opposes this application on one more ground that the order sought to be reviewed is only an interim order which is always subject to final order that would be passed in the writ petition and at that stage care can be taken of the interest of all the parties. Presently as the employees are waiting since long to get their amount rightly an order is passed. During the pendency

of the proceeding some of the employees even died and at least their heirs would get the amount. He submits that, no new ground is raised. All the arguments are already considered in the impugned order.

7. Learned advocate Mr. Thoke for the purchaser also vehemently argued that the adjudication is still going on between the creditor and the purchaser. There are dues of the workmen. The fact that there are dues of the workmen was within the knowledge of the bank. He also supports the order.

8. Learned A.G.P. for State and learned advocate Mr. Borulkar for respondent No. 2 prays for passing appropriate order.

9. This Court has considered the arguments. An order passed is only an interim order. The amount directed to be withdraw by the P.F. authorities is lying in this Court since 2017. There is no dispute that on the property the first charge is of the P.F. authorities. The Hon'ble Apex Court in S.L.P. (C) No. 27740/2011 has also clearly held that P.F. authorities have first charge over the property. Thus, there is no dispute about the charge over the property of the P.F. authorities. The dispute between the purchaser and the bank is already going on in Writ Petition No. 2969/2016. The purchaser

has already accepted the liability to pay the amount of P.F. out of the purchase amount. Only the bank has deposited some amount in the office of this Court. So far as remaining amount is concerned, the proceeding between bank and the purchaser is going on. It is also submitted during the course of argument that the bank has already initiated proceeding under section 138 of the Negotiable Instruments Act against the purchasers which is going on in the Criminal Court. Thus, the bank is entitled to receive the amount from the purchaser including the amount as per the undertaking of the purchaser of P.F. dues. There is a charge in favour of the bank on the property auctioned.

10. This petition is pending since 2017. Though this Court has fixed the petition for hearing on 29.10.2026, it is common knowledge that the Courts are not in a position to take up the final hearing matters. Therefore, it was considered by this Court that admittedly there are dues of P.F. authorities. So far as entitlement of the employees of the Karkhana which is auctioned there is no dispute. This Court has also taken care directing the authorities to consider the claim of each individual workmen and thereafter only to disburse the amount. The dues are in tune of Rs. 6,16,89,365/- (Rs. Six Crore Sixteen Lakh Eighty Nine Thousand

Three Hundred Sixty Five only) and therefore, out of Rs. Eleven Crore only that much amount is allowed to be withdrawn by the P.F. authorities. This Court does not find that any prejudice is caused to any of the parties by passing the orders. All these submissions made in this application were also made when impugned order is passed. Those submissions also requires consideration at the stage of final hearing of the writ petitions.

11. This Court thus finds that, there is no error apparent on the face of record as such. The submission that the bank's money is public money, there is no doubt about the said submission. However, that money is lying idle in this Court is also equally a fact. Presently, the amount is not of use to anyone. In that view it is directed to be disbursed to the employees. The question of locus standi of the Union is to be decided at the stage of final hearing. This Court, as such, does not find any error apparent on the face of record in the application. While passing final order care can be taken about interest of the bank.

12. So far as power to review is concerned, the Hon'ble Apex Court very recently delivered a judgment in the case of ***Malleeswari Vs. K. Sugunand Another, AIR Online 2025 SC 827.*** Paragraph Nos. 16 & 17 are reproduced from the judgment which

read as under :

> "16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.
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> 17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows :
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> 17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.
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> 17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.
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> 17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories."

13. Considering all above, this Court does not find that, a case is made out to entertain this application. The review application stands dismissed.

(JITENDRA JAIN, J.) **(KISHORE C. SANT, J.)**

14. At this stage, learned advocate for the applicant seeks stay

to the effect of this order.

15. At the request of learned advocate for the applicant, effect of the order be stayed for three (03) weeks from today.

(JITENDRA JAIN, J.) **(KISHORE C. SANT, J.)**

P.S.B.