

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7792 OF 2021

The Yeola Merchants Co-op. Bank Ltd. ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

.....

Dr.Uday P. Warunjikar with Mr.Sumit Kate for the Petitioner.

Mr.B.V.Samant, Addl.GP with Ms.R.A.Salunkhe, AGP for the Respondent-State.

Ms.Mrinal Shelar i/b. Mr. S.S.Patwardhan for Respondent No.2.

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**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 12 DECEMBER 2023

P.C.:

Apart from the issues that have been raised by the Petitioner regarding the conduct of the Administrator so appointed, an issue arises as to whether he should be represented through whom.

2. The order dated 29 December 2017 whereby the Administrator was appointed by the State Government under Section 110-A of the Maharashtra Co-operative Societies Act, 1960 (the Act of 1960) is on record. By this order, the Commissioner for Cooperation had appointed the Divisional Joint Registrar as an

Administrator. Thereafter, an order is shown to us dated 20 February 2023 under the same provision by the Commissioner whereby the said government officer is replaced by a private person, one Pratapsinh Baburao Chavan, Ex. General Manager of the same Bank, whose function is being scrutinized by Reserve Bank of India.

3. Shri Pratapsinh Baburao Chavan, as we have noted in the earlier order, has engaged an independent private Advocate. If a person is to be appointed as an Administrator, he would be under the supervision of the Commissioner and would carry out functions as an officer of the State. That being the position, ideally he should be represented through the Office of the Government Pleader to avoid any conflict of interest. To understand whether it is a policy of the State to appoint ex-employee of the same Bank as an Administrator and then leave him to be represented by private Advocate, we defer the hearing of this Petition to **19 December 2023**, to be listed under the caption “For Directions”.

4. The learned Addl. GP states that instructions will also be obtained from the Office of the Advocate General.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)