

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7792 OF 2021

The Yeola Merchants Co-op. Bank Ltd.
Through its District Chief Executive
Officer, Yeola, District-Nashik. ... Petitioner

Versus

The State of Maharashtra
Through Secretary
Co – operation (Marketing) & Textile
Dept., Mumbai and Ors. ... Respondents

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Dr.Uday P. Warunjikar a/w. Mr.Sumit S. Kate, Advocate for the
Petitioner.

Dr.B.B. Saraf, Advocate General a/w. Mr.B.V. Samant, Addl. G.P. and
Mrs..R.A. Salunkhe, AGP for Respondent Nos.1, 2, 3 and 5.

Mr.S.S. Patwardhan, Advocate for Respondent No.2.

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

DATE : 19 DECEMBER 2023.

P.C. :

Various orders have been passed in this Petition especially the last one on 12 December 2023. We had noted the position which is presented before us in this Petition whereby an Administrator was appointed by the State Government because in the opinion of the State Government said action was necessary in the interest of depositors of the Respondent-Bank. Initially, the Administrator was a Government officer thereafter replaced by a

private person. It is transpired before us that the State officers are under impression that having appointed a private person, it is no longer is the concern of the State Government and the cause could be represented to the advocate appointed by such private person/Administrator. Such stand, in our *prima facie* opinion, would be contrary to the object for which an Administrator is appointed. We are more concern with the fact situation as the present one where an Administrator was appointed in a Co-operative Bank for the purpose of securing the interest of the depositors and, not for every cases of appointment of an Administrator, which would be a larger issue, which we do not intend to go into at present. Therefore, we had requested the learned Advocate General to look into the issue whether such a stand taken by the Government officer is commensurate with the object of appointment of an Administrator in the fact situation, as the present one. The learned Advocate General states that the issue will be examined.

2 Stand over to 22 January 2024 under the caption “For Directions”

3 The learned counsel for Respondent No.2 points out that in paragraph no.2 of the order dated 12 December 2023, he stated that Pratapsinh Baburao Chavan was working as Ex. General Manager with Respondent-Bank, however, he was working with some other Bank. This aspect is noted.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)