



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5614 OF 2016

Anil s/o Rangnathrao Puri

....Petitioner

VERSUS

The State of Maharashtra & ors.

....Respondents

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Mr. R.N.Dhorde, Senior Counsel i/b
Mr. P.S. Dighe, Advocate for petitioner
Mr. D.R. Korde, A.G.P. for State
Mr. N.R. Bhavar, Advocate for R.No.7

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 4th MAY, 2026

ORDER:

1. Heard learned counsel for the respective parties.
2. The petitioner is aggrieved by the order dated 3/5/2016, passed by the District Deputy Registrar, Co-operative Societies, Ahmednagar, directing Shri A.S. Tarwade, Special Auditor, Co-operative Societies to conduct an enquiry against the petitioner under Section 83 of the Maharashtra Co-operative Societies Act, 1960 (for short 'the Act').



3. Mr. R.N. Dhorde, learned Senior Counsel instructed by Mr. P.S. Dighe, learned counsel for the petitioner submits that, the petitioner is in service of the Co-operative Department and when the petition was filed, he was serving as Assistant Registrar, Co-operative Societies, Shevgaon in Ahmednagar district. He submits that, vide order dated 13/3/2008, the District Deputy Registrar, Co-operative Societies, Ahmednagar appointed the Assistant Registrar, Co-operative Societies as Liquidator and the Liquidator Board on the respondent No.7 Bank. Initially, one B.Y. Pagare, C.M. Bari worked as Liquidators and the present petitioner had worked as Liquidator of the respondent No.7 for the period from 5/8/2010 to 20/6/2015. He submitted that, the enquiry under Section 88 of the Act was conducted by the authorized officer by holding that the Directors are liable for an amount of Rs.6,72,63,306/-.

4. Learned Senior Counsel further submits that, during his tenure as Assistant Registrar, Co-operative Societies, being Liquidator, he initiated several proceedings for recovery against defaulting borrowers, and one of such proceeding was initiated against the present respondent No.8 Vijay Madhukar Oturkar for



recovery in accordance with Section 101 of the Act. He also filed proceedings i.e. Special Darkhast No.58/2015 pursuant to the award passed in Dispute No.29/2005 against the respondent No.8 and initiated various proceedings. Therefore, the respondent No.8 filed a complaint against the various authorities by contending that the petitioner along with the panel Advocate of respondent No.7 has misappropriated amount under the garb of payment of professional fees of panel Advocates and various proceedings filed in various Courts of law and sought thorough enquiry. In pursuance to that, the District Deputy Registrar, Sangamner prepared and submitted enquiry report, specifically stating during the period from 1/4/2007 to 31/3/2015 in respect of the proceedings under Section 101 of the Act in various Courts of law on behalf of respondent No.7 Bank through panel Advocates and their professional fees were paid by cheques by the respective Liquidators. He further contended that, the Liquidator, by exercising the powers conferred under Sections 101 and 105 of the Act, conducted and defended various proceedings for and on behalf of the Bank through panel Advocates. It was further recorded that, there was no illegality in payment of the fees.



5. It seems that, again as per the directions given by the respondent No.4, enquiry was conducted and supplementary enquiry report was prepared by contending that the professional fees was paid to the panel Advocates on case to case basis instead of fixed amount for similar cases and, therefore, the District Deputy Registrar conducted enquiry at the hands of expert persons and the respondent No.4, by order dated 16/3/2016, appointed Advocate S.G. Shete as authorized officer to conduct the enquiry in respect of the professional fees paid to the panel Advocates. He therefore submits that, as the petitioner had worked as a Liquidator and during his tenure he initiated the proceedings and paid the legal fees, therefore, no enquiry can be initiated against the petitioner, being officer appointed as Liquidator and except this, there are no any charges as regards the fees which was paid as Liquidator to the Advocates who are on the panel of respondent No.7 and these are the professional fees and, therefore, there are no allegations of misappropriation by the present petitioner. Therefore, he submits that, the order dated 16/3/2016, passed by the District Deputy Registrar is liable to be quashed and set aside.

6. The learned A.G.P supports the order passed by the



District Deputy Registrar. None appears for the respondent Nos.6, 8 and 9 though served.

7. I have gone through the entire documents which are placed along with the present petition. I have also gone through the earlier enquiry conducted by the District Deputy Registrar and more particularly order dated 16/3/2016 as the present petitioner at the relevant time has worked as Liquidator who worked as Assistant Registrar, Co-operative Societies was assigned the work as Liquidator. Considering the fact that he initiated the proceedings against present respondent No.8 and only allegations which are made against the petitioner that he paid the fees to the panel Advocates. Even in the enquiry it was brought to the notice that there are various proceedings initiated on behalf of the respondent No.8 Bank and in that, the fees was paid by cheque and the professional fee was paid to the panel Advocates and there are no allegations that the present petitioner has misappropriated the amount of the Society. Even it is not the case that record was prepared, but only on the ground that the fee was paid casewise, I find that, the District Deputy Registrar has committed an error while passing such order and, therefore, after going through the order, I



find that, no case is made out to continue the enquiry against the petitioner. Therefore, I am inclined to allow the Writ Petition.

8. In the result, the Writ Petition is allowed. The order/letter dated 3/5/2016, passed by the District Deputy Registrar, Co-operative Societies, Ahmednagar is quashed and set aside.

(SIDDHESHWAR S. THOMBRE, J.)

fmp/-