IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7473 OF 2000

Mrs.Padmaja Pramod Shirgaonkar & Anr. .. Petitioners
Vs.
Sharad D. Mane & Ors. .. Respondents

Mr.Mihir R. Govilkar i/by Govilkar & Associates LLP for the petitioners.
Mr.Rahul S. Kadam for the respondent no.2.
Mr.R.P.Kadam, AGP for the respondent no.3.

ALONG WITH

WRIT PETITION NO.7476 OF 2000

Sou.Ranjana Dilip Dalvi & Anr. .. Petitioners
Vs.
Sharad D. Mane & Ors. .. Respondents

Mr.T.D. Deshmukh for the petitioners.
Mr.Rahul S. Kadam for the respondent no.2.
Mr.R.P.Kadam, AGP for the respondent no.3.

CORAM : R.D. DHANUKA, J.
DATE : 17th October 2018

P.C.:

. By these petitions filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated dated 3rd March 2000 passed by the Maharashtra State Cooperative Appellate Court in Appeal Nos. 183 of 1992 and 203 of 1992 filed by both the petitioners

Uploaded on - 15/03/2023 Downloaded on - 21/09/2026 17:40:12

respectively in the aforesaid writ petitions dismissing the said appeals on the ground that the said appeals were not maintainable under Section 152(2) of the Maharashtra Co-operative Societies Act, 1960 (for short "the MCS Act").

2. The petitioners had impugned the order of framing the charges against the petitioners by the Enquiry Officer under Section 88 of the MCS Act. The said appeals are however rejected on the ground that the same were not maintainable.

3. During the course of the arguments advanced by the learned counsel for the petitioners, it is vehemently urged that though the petitioners had filed a reply to the show cause notice issued by the Enquiry Officer under Section 88 of the MCS Act, the said reply was not a complete reply in view of the fact that the requisite documents demanded by the petitioners had not been furnished by the Enquiry Officer or by the respondent no.2 society. All such proceedings held by the Enquiry Officer were commenced as far back as in the year 1992.

4. During the pendency of these petitions, this Court had granted stay in terms of prayer clause (d) in both the petitions thereby restraining the respondent no.1 from holding an enquiry on the basis of the notice dated 22nd July 1992 along with charge-sheet at Exhibit-B to the petitions. Both the petitions are pending in this Court for last 18 years.

5. At this stage, learned counsel for the petitioners states that if an opportunity is granted to the petitioners to file a detail reply to the

Uploaded on - 15/03/2023 Downloaded on - 21/09/2026 17:40:12

show cause notice issued by the Enquiry Officer after furnishing requisite documents demanded by the petitioners, they would participate in the enquiry proceedings before the Enquiry Officer. He submits that the charges framed by the Enquiry Officer be re-framed after considering the detailed reply filed by the petitioners.

6. The enquiry proceedings which were commenced as far back as in the year 1992 have not been concluded because of the stay granted by this Court which continued for a period of 18 years.

7. Learned counsel for the petitioners tenders a letter dated 20th November 1991 addressed to the Enquiry Officer seeking copies and inspection of various documents mentioned in paragraph (b) of the said letter before submitting a reply to the show cause notice.

8. In these circumstances, without going into the issue as to whether the charges framed under Section 88 could be challenged under Section 152 of the MCS Act or not in the appeals filed by the petitioners or not, these writ petitions can be conveniently disposed of by passing the following directions :-

(i) Learned Enquiry Officer is directed to consider the said letter dated 20th November 1991 and shall direct the respondent no.2 to furnish the documents which according to the Enquiry Officer are relevant for the purpose of giving reply to the said show cause notice.

Uploaded on - 15/03/2023 Downloaded on - 21/09/2026 17:40:12

(ii) After furnishing such documents to the petitioners, the petitioners shall file a detail reply before the Enquiry Officer. It is made clear that no further extension of time would be granted.

(iii) Learned Enquiry Officer shall re-frame the charges after considering the reply filed by the petitioners earlier and that would be filed after those documents are furnished pursuant to this order.

(iv) Such revised charges shall be communicated to the petitioners within one week from the date of issuance of such revised charges.

(v) Enquiry shall be conducted expeditiously. The petitioners shall not seek any unnecessary adjournment before the learned Enquiry Officer.

(vi) If any of the parties does not co-operate with the learned Enquiry Officer, the order that would be passed by the learned Enquiry Officer shall reflect the conduct of such non co-operating party.

(vii) The Registrar of Co-operative Societies, Pune who has jurisdiction over the respondent no.2 society shall appoint an appropriate Enquiry Officer within one week from the date of communication of this order and shall communicate the name of the Enquiry Officer to the petitioners as well as the respondent no.2 society.

(viii) Further steps in the enquiry proceedings shall be initiated and

Uploaded on - 15/03/2023 Downloaded on - 21/09/2026 17:40:12

concluded by such Enquiry Officer.

(ix) The said enquiry proceedings shall be completed within six months from the date of commencement of the enquiry.

(x) Both the writ petitions are disposed of in aforesaid terms. No order as to costs.

(xi) Parties as well as the learned Enquiry Officer to act on the authenticated copy of this order.

R.D. DHANUKA, J.

Uploaded on - 15/03/2023 **Downloaded on - 21/09/2026 17:40:12**