

सहकार आयुक्त व निबंधक र
नविन म

1, महाराष्ट्र राज्य, पुणे यांचे कार्यालय.
त, पुणे-४११००१

१३/५

दुरध्वनी क्र. ०२०-२६१२ ७२१७, २६१२ २

फॅक्स क्र. ०२०-२६१३ ३०८२, २६१२ ७००४

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R.P.A.D.

प/क-१८/रि.पि.क्र.२८७१/२०१३/अंतरिम आदेश/१३

दिनांक :- २९ मे, २०१३.

प्रति,

१. विभागीय सहनिबंधक, सहकारी संस्था, (सर्व)
२. विभागीय सहनिबंधक, सहकारी संस्था (लेखापरीक्षण) (सर्व),
३. जिल्हा उपनिबंधक, सहकारी संस्था, (सर्व)
४. जिल्हा विशेष लेखापरीक्षक वर्ग १, सहकारी संस्था, (सर्व)

विषय :- रिट पिटीशन क्र. २८७१/२०१३

अहमदनगर डिस्ट्रिक्ट सर्टिफाईड ऑडिटरस सेवा असो. व इतर
विरुद्ध

महाराष्ट्र शासन व इतर.

संदर्भ :- मा. उच्च न्यायालय मुंबई खंडपीठ, औरंगाबाद यांचे अंतरिम आदेश दि. ७/०५/२०१३

उपरोक्त विषय व संदर्भाकडे आपले लक्ष वेधण्यात येत आहे.

२/- सोबत जोडलेल्या संदर्भान्वये मा. उच्च न्यायालय खंडपीठ, औरंगाबाद यांनी रिट पिटीशन क्र. २८७१/२०१३ बाबत अंतरिम आदेश पारित केलेले आहेत. तरी सदर अंतरिम आदेशात दिलेल्या सुचनेप्रमाणे आपल्या स्तरावरून पुढील योग्य ती कार्यवाही करण्यात यावी.

त्याचप्रमाणे सर्व सहकारी संस्था, नामतालिकेवरील सनदी / प्रमाणीत लेखापरीक्षक व खात्याचे लेखापरीक्षक यांनीही सदर बाबीची नोंद घेण्यात यावी.

सोबत :- संदर्भिय अं

(मधुकर चौधरी)

सहकार आयुक्त व निबंधक,
सहकारी संस्था, महाराष्ट्र राज्य, पुणे.

9/14

{1}

WP No.2871/2013

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2871 OF 2013

Ahmednagar District Certified Auditors'
Seva Association, & Others

PETITIONERS

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....
Mr. V.D.Hon, Advocate for the petitioners
Mr. K.G.Patil, AGP for respondent State
.....

CORAM : R. M. BORDE AND

SUNIL P.DESHMUKH, J.J.]

DATE : 7th MAY 2013

PER COURT:

1. Petitioners point out that on earlier occasion restriction was imposed by the State Government on the auditors, limiting the number of societies to the extent of six for conduct of audit, in an year. The relevant directive issued by Commissioner for Co-operation imposing restriction on the Auditors was subject matter of challenge in Writ Petition No.4023/2011 with Writ Petition No.3689/211 and this Court, after hearing the parties,

granted Rule and directed stay of impugned notification.

2. Learned counsel appearing for the petitioners points out that the amended proviso to section 81 reintroduces similar restriction, which was tried to be introduced on earlier occasion. Prima facie, the restriction imposed do not appear to have nexus with the object to be achieved and moreover it is doubtful as to whether such restriction can be validly imposed against the auditors who are neither members, shareholders or persons connected with management of societies.

3. Heard. Rule.

4. Ad interim relief in terms of prayer clause "G".

5. Parties to act upon authenticated copy of this order.

[SUNIL P.DESHMUKH, J.]

[R.M.BORDE, J.]

- F) Pending the hearing and final disposal of this writ petition restrain the respondents from implementing and giving effect to the panel constituted of the auditors as per classification, such as "A" class, "B" class and "C" class by order dated 30.3.2013.
- G) Pending the hearing and final disposal of this writ petition grant stay to the provisions of substituted proviso to Section 81 whereby restricting the number of societies to 20 for carrying out the audits by the auditor and the clause No F giving power to the societies to fix the rate of auditor.
- H) Pending the hearing and final disposal of this writ petition issue injunction restraining the respondents from directing the societies to appoint the auditors from empanelled list of auditors in categories such as "A" class, "B" class and "C" class.
- I) Ad-interim relief be granted in terms of prayer clause "E", "F", "G" and "H".
- J) Any other just and equitable reliefs be granted in favour of the petitioners.

And for this act of kindness, petitioners as in duty bound shall ever pray.

PLACE: Aurangabad

DATE: 4/04/2013

(Vinayak D. Hon)
Advocate for the petitioners