

Court No. - 19

Case :- WRIT - C No. - 11317 of 2024

Petitioner :- Gopalji Dwivedi And 14 Others

Respondent :- U.O.I. Thru. Addl. Secy. Cooperative Societies, Agriculture And Farmer Welfare, New Delhi And 3 Ors

Counsel for Petitioner :- J.P. Shukla

Counsel for Respondent :- A.S.G.I., C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioners, Mr. Mayank Kumar Mishra learned counsel for opposite parties 1 and 2 and learned State Counsel for opposite party No.3. In view of order being passed, notice to opposite party No.4 stands dispensed with.

2. Petition has been filed seeking a direction to concerned authority to initiate inquiry against opposite party No.4 which is a multi state cooperative society and to ensure all payments which are due to the petitioners as investors/creditors. Further prayer for direction to decide petitioner's representation dated 15th July, 2024 has also been sought.

3. Prayer No.3 pertaining to concerned authority to initiate investigation under the provisions of Company Act, 2015 although made is not being pressed by learned counsel for petitioner with emphasis being given to prayer No.1.

4. Learned counsel for petitioner submits that the aforesaid representation has been made by the petitioners in terms of Section 78 of the Multi State Cooperative Societies Act 2002 and therefore the authority is statutorily bound to take cognizance of same.

5. In view of aforesaid facts and circumstances, the opposite party No.1 i.e. Additional Secretary, Cooperative Societies, Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture & Farmers Welfare Krishi Bhawan, New Delhi is directed to consider and decide petitioner's application dated 15th July, 2024, if it comes within purview of Section 78 of the Act of 2002. In case the application is found to be maintainable under Section 78 of the Act of 2002, appropriate order shall be passed but only after affording opportunity of hearing to opposite party No.4 i.e. Chairman and Board of Directors, Loni Urban Multi-State Credit & Thrift Cooperative Society, 164, Vijay Vihar Nagar Palika Parishad, Loni, District Ghaziabad, U.P. Final orders pertaining to same shall be passed expeditiously, preferably within a period of five

months from the date a certified copy of this order is served upon the said authority.

6. With the aforesaid directions, the petition stands disposed of.

Order Date :- 20.12.2024

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