

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1283 OF 2015

Ravindra Mahadeorao Kashti and others

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.C.Dharmadhikari, counsel for the petitioners.
Mr.N.S.Khubalkar, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 20.04.2015.

By this petition, the petitioners have challenged the order of the District Deputy Registrar, Cooperative Societies, Chandrapur dated 04/03/2015, appointing an Administrator on the Agricultural Produce Marketing Committee, Warora.

It is the case of the petitioners that even after the expiry of the extended term of one year, the respondent-District Deputy Registrar of the Cooperative Societies was not entitled to appoint an Administrator on the Committee. It is stated that it was obligatory for the District Deputy Registrar to consider whether it was necessary to continue the same Managing Committee as an Administrator or whether it was necessary to appoint an Administrator. The learned counsel for the petitioners has relied on the judgment reported in **2010 (4) Mh.L.J. 360 (Babasaheb v. State of Mah.)** to substantiate his submission. The learned counsel has also relied on the unreported judgment of the Aurangabad Bench

of the Bombay High Court, dated 09/02/2015 in a bunch of writ petitions bearing Writ Petition No.10043 of 2014 (Shrirang Asraji Harade and others v. The State of Maharashtra and others) to state that the appointment of an Administrator even after the expiry of the extended period of one year is not proper. It is stated that in some of the cases before the Aurangabad Bench, the Administrator had taken over the charge, but the Court had permitted the members of the Committee to hold the charge till the elections are held. It is stated in Writ Petition No.1202 of 2015, interim relief was granted and hence it should be granted in this case also.

Shri Khubalkar, the learned Assistant Government Pleader appearing on behalf of the respondents, relied on the provisions of Section 15A of the Maharashtra Agricultural Produce Marketing Committee (Development and Regulations) Act, 1963. It is stated that the term could be extended from time to time by the Government in exceptional circumstances to a period not exceeding one year in the aggregate. It is stated that the petitioners were functioning on the Market Committee even after the expiry of the extended period of one year. It is stated that by exercising the powers under Section 15A, the Administrator was appointed and the petitioners cannot effectively challenge this appointment. It is also stated that the Administrator has taken over the charge immediately and the petitioners are not working on the Market Committee since then. It is stated on behalf of the State Government that the State Government would conclude the elections to the concerned Agricultural Produce Marketing Committee within a period of six months as the elections to the Agricultural Credit Cooperative Societies had not been concluded as yet.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioners cannot be granted. It would be necessary to refer to the provisions of Section 15A of the Act of 1963 on which great reliance has been placed by the learned Assistant Government Pleader.

15A. Provision for appointment of Administrator after normal or extended term of office of members expires.

- (1) Notwithstanding anything contained in sub-section (3) of Section 15 or any other provisions of this Act, where the term of office of two years, five years, or as the case may be, the extended term of office, if any, under the proviso to sub-section (3) of section 14 ²[-----] of the members of any Market Committee, has expired, the Director or any officer not below the rank of the District Deputy Registrar of Co-operative Societies, authorised by him shall, by order in writing, direct that -
 - (a) all members of the Committee shall, as from the date specified in the order, cease to hold and vacate their offices as members or otherwise; and
 - (b) ⁹[the Administrator or the Board of Administrators appointed by the Director or such authorised officer shall manage the affairs of the Committee], during the period from the date specified in the order upto the day on which the first meeting of the reconstituted Committee after the election is held, where there is a quorum (hereinafter in this section referred to as “the said period”). Such election shall be held within a period of ³[Six months] from the date the ⁹[Administrator or the

Board of Administrators] assumes office:

⁴[Provided that, this period of ⁵[Six months] may be extended, from time to time by the State Government, in exceptional circumstances, to a period not exceeding ⁶[one year] in the aggregate, by notification in the *Official Gazette*, for reason, which shall be stated in the notification.

On a reading of the provisions of Section 15A, which are clear and unambiguous, it is clear that the Committee members do not have any right whatsoever to continue on the Market Committee after the expiry of the extended period of one year, as provided by the proviso to Section 15A(1) of the Act of 1963. After the normal term of the Market Committee expires, it is within the discretion of the State Government to grant extension by a period of six months from time to time only in exceptional circumstances and that too upto a period of not exceeding one year in the aggregate. The normal term of the office of the Committee had expired on 10/07/2013. In view of the proviso to Section 15A, in exceptional circumstances the term of the Committee could have been extended at the most, by a period of one year in the aggregate. The term of the Committee was, however, extended for more than one year and the petitioners continued to hold the membership on the Market Committee for a period of more than one and half year thereafter.

The submission made by the learned counsel for the petitioners that in Writ Petition No.1202 of 2015, the interim relief was granted in similar set of facts and the learned Assistant Government Pleader had not objected to the grant of interim relief in the said writ petition is strongly denied by the learned Assistant Government Pleader. We

find that the *ad interim* relief was granted in the said petition after hearing the counsel for the petitioners and since the statement was made by the learned Government Pleader that the elections to the Committee would be held within a period of three months where the elections to the Cooperative Credit Societies were concluded and within a period of six months where the elections to the Cooperative Credit Societies were not held, the *ad interim* relief was continued till the disposal of the writ petition. But in several other writ petitions interim relief was refused and the matters were disposed of on the statement made by the learned Government Pleader that the elections would be concluded within a period of three or six months.

We do not find any illegality in the order appointing the Administrator on the Agricultural Produce Marketing Committee. The reported and unreported judgments relied on by the learned counsel for the petitioners cannot be applied to the case in hand. Neither the Act of 1963 nor the Rules make it obligatory for the State Government or the authorities under the Maharashtra Cooperative Societies Act to consider whether the same Committee should continue after the extended period of one year. Permitting the same Committee to continue after the extended period of one year would frustrate the object of the provisions of Section 15A of the Act. The members on the Agricultural Produce Marketing Committee with a view to continue on the Committee try to ensure that the elections to the Market Committee are not held at the earliest. Since a statement is made by the learned Assistant Government Pleader that the elections would be concluded within a period of six months, the petition could be disposed of.

Hence, for the reasons aforesaid, we dispose of the writ petition by accepting the statement made on behalf of the State Government that the State Government would conclude the elections to the Agricultural Produce Marketing Committee, Warora within a period of six months as the elections to the Agricultural Credit Cooperative Societies are not held as yet.

Order accordingly. No order as to costs.

JUDGE

JUDGE

KHUNTE