

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 3093 of 2015

District : Dhule

1. Thansing s/o. Bhaskarrao Patil,
Age : 84 years,
Occupation : Agriculture,
R/o. Patiwada, At and Post
Shirpur, Taluka : Shirpur,
District : Dhule.
2. Ujwalsing s/o. Indrasing Sisodiya,
Age : 63 years,
Occupation : Agriculture,
R/o. Subhash Colony, At and
Post : Shirpur, Taluka : Shirpur,
District : Dhule.
3. Gopalsing s/o. Ranjitsing Rajput,
Age : 49 years,
Occupation : Agriculture,
R/o. At and Post Holnanthe,
Taluka : Shirpur,
District : Dhule.
4. Mohan s/o. Sahebrao Patil,
Age : 52 years,
Occupation : Agriculture,
R/o. At and Post Vanawal,
Taluka : Shirpur,
District : Dhule.

.. Petitioners.

versus

1. The Union of India,
Through the Secretary,
Co-operation, Textile and Marketing
Department, New Delhi.

2. The Central Registrar,
Multi-State Co-operative Societies,
Krushi Bhavan, Central Government
of India, New Delhi.
3. The State of Maharashtra,
Through Secretary, Co-operation
Department, Mantralaya,
Maharashtra State, Mumbai.
4. Shirpur Shetkari Sahakari Sakhar
Karkhana Ltd., Shivaji Nagar,
Dahiwad, Taluka : Shirpur,
District : Dhule (M.S.),
Through its Managing Director. .. Respondents.

.....

Mr. C.R. Deshpande, Advocate, for the petitioners.

*Mr. Bhushan B. Kulkarni, Standing Counsel, for
respondent nos.1 and 2.*

*Mr. S.N. Morampalle, Asst. Government Pleader,
for respondent no.3.*

Respondent no.4 served (Absent).

.....

**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 11TH FEBRUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Heard learned Adv. Mr. C.R. Deshpande for the petitioners,
the learned Standing Counsel Mr. B.B. Kulkarni for respondent nos.1 and

2 and the learned AGP Mr. S.N. Morampalle for respondent no.3. Though respondent no.4 is served, none appears for respondent no.4.

2. Mr. Deshpande, the learned Counsel for the petitioners, states that respondent nos.1 to 4 be directed to hold elections of Board of Directors of respondent no.4 - Sugar Factory. Respondent no.4 - Sugar Factory is Multi-State Co-operative Society. The term of the existing Board has come to an end on 10th April 2014. The learned Counsel relies on provisions of Section 45 of the Multi-State Co-operative Societies Act, 2002 [**For short, hereinafter referred to as “the Act”**].

3. Mr. Kulkarni, the learned Standing Counsel for respondent nos.1 and 2, submits that the Central Registrar has intimated the Commissioner of Sugar to constitute ad hoc Committee for holding the elections. The learned Asst. Government Pleader for respondent no.3 - State states that the Commissioner of Sugar has sought guidance from the Central Registrar about the provision under which the ad hoc committee is to be appointed.

4. It is not disputed that respondent no.4 - Sugar Factory is a Multi-State Cooperative Society. It is also not disputed that the term of the existing Board had come to an end on 10th April 2014. Sub-Section 6 of Section 45 of the Act lays down that *‘where the board fails to conduct election of the members of board, the Central Registrar shall hold the election within a period of ninety days from the date when such election became due’*.

5. We have heard the learned Counsel appearing for the respective parties on the aspect as to whether the said Karkhana had gone under liquidation and if any liquidation proceedings were initiated. The learned Counsel for respective parties state that no such liquidation proceedings were initiated nor winding up has been done.

6. Considering the aforesaid conspectus of the matter, the Central Registrar, who is an authority under the said Act, has to conduct elections within a period of ninety days from the date when such election became due.

7. In the light of the above, the Central Registrar i.e. respondent no.2 shall take further steps with regard to the conduct of elections of the members of the Board of respondent no.4 or such other steps as are contemplated under the Multi-State Cooperative Societies Act 2002, expeditiously and the said steps shall be commenced within a period of three months from today.

8. With the above directions, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

.....