

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

910 WRIT PETITION NO. 6179 OF 2016
WITH
CONTEMPT PETITION NO. 659 OF 2016

LALITA JALBA ADGULWAR
VERSUS
THE ASSISTANT REGISTRAR CO OPERATIVE SOCIETIES
NANDED AND OTHERS

...
Advocate for Petitioner : Ghatol Patil Shahaji B.
AGP for Respondents 1 & 3 : S.R. Yadav
...

CORAM : T.V. NALAWADE, J.
DATED : 29th September, 2016.

ORDER :

1. The petition is filed to challenge the order made by the learned Assistant Registrar of Co-operative Societies, Nanded dated 5.2.2016 and the order made by the appellate authority, Deputy Registrar of Co-operative Societies in Appeal No. 25/2015. Heard the learned counsel for petitioner and the learned AGP for State.

2. The submissions made show that the term of petitioner for managing committee expired on 11.8.2015. When the petitioner was expected to take steps like supplying necessary information to the office of Co-operative Societies and also the provisional voters list for taking steps for election of

next tenure, such compliance was not done and so, steps were taken. The order of appointment of Administrator was made on 5.2.2016. Statement was made by the learned counsel for petitioner that in accordance with the order, the charge is taken over by the Administrator. He submitted that even after taking charge, the elections were not held within a period of six months which is given to the Administrator by section 77-A of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred as 'the Act' for short).

3. Though it is a fact that election needs to be held by the Administrator within six months from the date of appointment, the fact remains that the present petitioner challenged the order made by the original authority before appellate authority and order of status-quo was made. Similarly, order of status-quo is obtained from this Court on 15.6.2016. If the Administrator was appointed, then it was necessary for petitioner to make submission that Administrator should hold the election within the prescribed period as provided under section 77-A of the Act. As the petitioner was interested in only getting order of status-quo, it can be said that the election did not take place. The order dated 15.6.2016 shows that if the elections were held, the status-quo order was not to be made applicable

to the said election. Thus, the petitioner was under impression that if she was able to get the order of setting aside of the appointment of Administrator, she can again get the charge of the management. Thus, there was misconception. The provision of section 77-A of the Act shows that after the expiry of the tenure, the Directors are not entitled to continue even for a single day, that is why the amended provisions are made and steps are required to be taken by the Managing Committee. Thus, no benefit can be given to the petitioner of her conduct which is described above. No illegality can be found in the orders made by the authorities.

4. In the result, petition stands dismissed. Administrator is to hold election within two months from today as provided by section 77-A of the Act.

5. Contempt Petition No. 659/2016 is disposed of in view of the aforesaid observations.

[T.V. NALAWADE, J.]

ssc/