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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1582 OF 2015

Satish Rangnath Kulkarni

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr.Amit Gharte i/b. Mr. J.D. Khairnar, Advocate for the Petitioner
Mr. A.D. Metkari, AGP for the State

CORAM : M.S. KARNIK, J.

DATED : 10th OCTOBER, 2016

P.C. :

Heard learned Counsel for the Petitioner. By this writ petition the Petitioner is challenging the order dated 25th September, 2014 passed by Respondent No.2 thereby dismissing the Revision Application filed by the Petitioner under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (herein after referred as “the Act” for short), which Revision was filed against the order dated 20th July, 2013 passed by Respondent No.3 invoking powers under Section 102(2) of the Act. The Respondent No.4 was appointed as a Liquidator of the Respondent No.5 Society of which the

Petitioner is the Chairman.

2. Heard learned AGP appearing for Respondent Nos. 1 to 3 none appears for Respondent Nos. 4 and 5 though duly served. Respondent No.4 is the Liquidator appointed by the Respondent No.3 vide impugned order dated 20th July, 2013. Learned Counsel appearing for the Petitioner submits that even pursuant to passing of the order dated 20th July, 2013 by Respondent No.3 the Liquidator has still not taken charge, this position is not controverted by the learned AGP appearing for Respondent Nos. 1 to 3.

3. According to the learned Counsel for the Petitioner they were under the impression that after the plots are allotted nothing further was required to be done. After the complaint was made by one Shri Arvind Divekar, which forms the basis of passing of the impugned order, the Petitioner and the Respondent No.5 started taking steps to comply with the deficiencies. After the interim order dated 25th April, 2013 the Petitioner has taken steps and has submitted the audit

report dated 19th June, 2014.

4. According to the learned Counsel for the Petitioner the Petitioner and Respondent No.5 are willing to comply with all the relevant statutory provisions. The Respondent No.3 ought to have granted an opportunity to the Petitioner to rectify all defects and time for compliance with the various requirements of the said Act before passing the drastic order of appointment of the Liquidator.

5. I find from the record that before the decision of Revision Application No. 418 of 2013 the Petitioner has in fact produced the audit report which is at **Exhibit-L** to the present Petition.

6. In the interest of justice, therefore, with a view to give one more opportunity to the Petitioner to present his case before the Respondent No.3 on the basis of the audit report dated 19th June, 2014 and such other further compliances, by setting aside the order dated 20th July, 2013 passed by the

Respondent No.3 and the order dated 26th September, 2014 passed by Respondent No.2, the matter is remanded back to Respondent No.3 for considering the matter afresh after hearing the Petitioner and the Respondent No.5.

7. The Petitioner shall appear before the Respondent No.3 on 16th November, 2016 at 11 a.m.

8. The Respondent No.3 may permit the Petitioner to submit further response and after giving a reasonable opportunity of hearing decide the matter on its own merits within a period of 3 months from 16th November, 2016.

9. The Writ Petition is accordingly disposed of.

(M.S. KARNIK, J.)