

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 3537 OF 2015

Mr. Narasinga Sahu & Ors.	..	Petitioners
VS.		
The Hon'ble Minister of Co-operation & Ors.	..	Respondents

Mr. Omkar Nevgi i/b. Mr. Santosh Sawant for Petitioners.
Mr. R. J. Mane – AGP for Respondent No. 1.
Mr. C. G. Gavnekar with Mr. Suhas Deokar i/b. Mr. G. S.
Hiranandani for Respondent No. 3.

CORAM : M. S. SONAK, J.
DATE : 29 FEBRUARY 2016

P.C :

1] The challenge in this petition is to the common judgment and order dated 23 November 2015 made by the Minister (Co-operative Societies) dismissing revision petition nos. 385, 386, 387 and 388 of 2015 instituted by the petitioners, mainly on the ground that there was deficit in the matter of payment of amounts as required by Section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960 (said Act).

2] If the record is perused, the petitioners had in fact made payments towards compliance with the provisions contained in Section 154 (2A) of the said Act. However, on basis of certain calculations, which need not be gone into at this stage, it appears,

that the Minister was of the opinion that there is some marginal shortfall. In a situation of this type, Minister, could have always, afforded opportunity to the petitioners to make good shortfall, before, exercising the revisional jurisdiction. Instead, Minister, has chosen to dismiss revision petitions.

3] When this matter was taken up for admission, this Court on 17 December 2015, made the following order:

“1 Heard the learned counsel for the petitioners.

2 Advocate for the petitioners filed two affidavits of service dated 16.12.2015 showing that service is effected on respondents by private notice. In spite of notice, no one appeared on behalf of them, when the matter was called out. Hence, as a last chance, office is directed to place the matter on board on 22.12.2015.

3 In the meanwhile, petitioners are directed to intimate the respondents either by registered post A.D. and/or by speed post and/or by hand delivery about the next date.

4 Till 22.12.2015 interim protection granted by this court by order dated 6.8.2015 in Writ Petition No. 7523 of 2015 to continue i.e. Society should not deal with in any manner with the amount deposited by the petitioners as per the provisions of Section 154 (2A) of the Maharashtra Co-operative Societies Act.

5 The learned counsel for the petitioners submits that petitioners are ready and willing to deposit the deficit amount as stated by the authority in its order dated 23.11.2015 in para 6. To that effect, petitioner no. 2 Bharat Bhushan filed his affidavit cum undertaking dated 17.12.2015.

6 *Advocate for the petitioner submits that the deponent Bharat Bhushan, petitioner no. 2 is present in court. His presence is recorded and undertaking is accepted.*

7 *Stand over to 22.12.2015."*

4] Thereafter on 22 December 2015, this Court, recorded the statement of the learned counsel for the petitioners that the deficit amount, has already been paid to the society and therefore, there is full compliance with the provisions contained in Section 154 (2A) of the said Act.

5] In view of the aforesaid, it would be appropriate if the impugned order dated 23 November 2015 is set aside and the revision petitions are restored to the file of the Minister for consideration thereof on merits and in accordance with law.

6] This Court, by its order dated 6 August 2015 in writ petition no. 7523 of 2015 had granted certain interim reliefs which were to operate during the pendency of the revision petitions before the Minister. At the same time, directions were also issued for disposal of the revision petitions within a time bound period, so that, the respondents in the revision petitions would not unnecessarily suffer for want of requisite funds. Now that the revision petitions are being restored to the Minister, for fresh consideration in accordance with

law and on their own merits, similar directions can be issued for disposal of the revision petitions, within a period of eight weeks from the date of production of authenticated copy of this order. Further, the interim reliefs granted by order dated 6 August 2015 in writ petition no. 7523 of 2015 to operate during the pendency of the revision petitions. Directions to this effect are issued accordingly.

7] Accordingly, the impugned order dated 23 November 2015 dismissing the four revision petitions is hereby set aside. The four revision petitions are restored to the file of the Minister for consideration on merits and in accordance with law.

8] It is made clear that this Court has not adverted to the merits of the disputes and therefore, all contentions of all parties are left open to be decided by the Minister in the course of the revision petitions. The parties to appear before the Minister on 22 March 2016 at 3.00 p.m. and produce authenticated copy of this order.

9] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

10] All concerned to act on basis of authenticated copy of this order.