

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9826 OF 2017

RAVINDRA PURUSHOTTAMRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Talhar Ajay G.
AGP for Respondents 1,2 & 7 : Shri Kendre S.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 09, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 24.4.2017 passed by the Divisional Joint Registrar, Cooperative Societies, by which, Appeal No.32 of 2016, filed by the petitioner, has been rejected.

2. I have considered the lengthy submissions of Shri Talhar, learned Advocate for the petitioner and the learned AGP on behalf of respondent Nos.1, 2 and 7.

3. In the light of the submissions of the learned Advocates and the record available, it is apparent that there is a dispute amongst the office bearers of the Tiny Industries Cooperative Industrial Estate Limited, which is said to be a society registered

under the Maharashtra Cooperative Societies Act ("the said Act"). The elected office bearers have been complaining against each others. The Chairperson of the society resigned on 13.6.2015 and the dispute escalated. On 16.6.2015, twelve office bearers have conducted an election. This further aggravated their internal squabbles. In the meanwhile, nine Directors of the society resigned on 16.3.2016, when the appropriate statutory authority had issued a notice under Section 78A of the said Act. Consequentially, only four members of the society survived and the quorum required for convening meetings of the office bearers of the society was lost. Consequentially, the day to day affairs of the society could not be conducted by four Directors.

4. The Deputy Registrar, Cooperative Societies, Aurangabad was therefore, left with no option but to exercise his powers under Section 77A(b-1) and he formed a Committee for conducting the day to day affairs of the Society. This was challenged by the petitioner in its appeal.

5. The Divisional Joint Registrar, while considering the appeal of the petitioner, concluded that the law did not prescribe any other mode than the one provided for under Section 77A of the said Act for forming a Committee, so as to manage the day to

day affairs of the society. If the said powers were not exercised, the affairs of the society would have come to a stand still.

6. It is trite law that merely because a second view could be possible, that the impugned order cannot be branded as being perverse or erroneous. In the instant case, the statutory authority was left with no option but to invoke the powers under Section 77A so as to ensure that the society does not become defunct.

7. I do not find that the impugned orders could be termed as being perverse or erroneous. The Writ Petition being devoid of merits, is dismissed.

(RAVINDRA V. GHUGE, J.)

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