

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.90 OF 2013**

- 1 Mr. Rui Ferreira,
son of late Dr. Joao Filipe Ferreira
(former Chairman of the
Respondent No.3 Bank), aged 54
years, Indian National, resident of
House No.E-1, near Panaji Church,
Panaji-Goa.
- 2 Shri Damodar K.K. Ghanekar,
son of Keshav Bhiku Kamat
Ghanekar, aged 57 years, Indian
National, resident of Yevkar,
Campal, Panaji-Goa.
- 3 Shri Agostinho L. Henrique Dias,
son of Vicente Baptista Dias, aged
65 years, Indian National, resident
of House No.223, Corte Real,
St. Cruz, Tiswadi-Goa.

.... Petitioners

V/s

- 1 The Registrar of Co-operative
Societies & Ex-Officio Joint
Secretary to the Government of
Goa, having office at 4th & 5th
Floors, 'Sahakar Sankul', EDC
Plaza, Patto, Panaji-Goa.
- 2 Shri Vishnoo A. Naik,
Major, Chairman, Goa Urban Co-
operative Bank Ltd., having office
at Dr. Atmaram Borkar Road,
Panaji-Goa.
- 3 The Goa Urban Co-operative Bank

Ltd., through its Managing
Director, having office at Dr.
Atmaram Borkar Road, Panaji-
Goa.

.... Respondents

Shri D. Pangam, Advocate for the Petitioners.
Shri S.D. Lotlikar, Advocate General with Ms. Susan Linhares,
Additional Government Advocate for Respondent No.1.
Shri R.G. Ramani, Advocate for Respondent Nos.2 & 3.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 11th January, 2017

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Shri D. Pangam, the learned Counsel appearing for the petitioners, Shri S.D. Lotlikar, the learned Advocate General appearing for respondent no.1 and Shri R.G. Ramani, the learned Counsel appearing for respondent nos.2 & 3.

2. We have heard the learned Counsel appearing for the petitioners and respondents at length. The main grievance of the petitioners is that the respondent no.2 could not be the Chairman of the Board of the respondent no.3 as according to the petitioners he was a nominated member and not an elected member. But however it was contended by Shri R.G. Ramani, the learned Counsel appearing for respondent nos.2 & 3 that as one of the members has to be a Chartered Accountant conversant with the banking audits and the accounting procedure, the

respondent no.2 was nominated as a Director to the Board of Directors and, as such, according to him there is no infirmity in appointing the respondent no.2 as a Chairman of the Board of the respondent no.3.

3. During the course of the hearing of the rival contentions Shri S.D. Lotlikar, the learned Advocate General appearing for the respondent no.1 pointed out on the last date that the issues raised in the above petition have now become academic as according to him the term of the Board of the respondent no.3 has already expired on 7/12/2016 and, as such, fresh elections are due. Accordingly, time was sought to inform the election programme of the Board of the respondent no.3. When the matter was taken up today the learned Additional Government Advocate appearing for the respondent no.1 points out that the election process would be completed within a period of six months from today. But however, Shri Pangam, the learned Counsel for the petitioners strongly objects to such period being allowed as according to him the election process should have commenced before the term of the Board of the respondent no.3 was due to expire in terms of the Rules and such lapse on the part of the Registrar cannot inhere any further benefits to the existing Board to continue in office for a long period then specified.

4. Shri Ramani, the learned Counsel appearing for the respondent nos.2 & 3 states that the said respondents have already submitted the list of the voters to the concerned Registrar and they are awaiting the election programme to be fixed by such Registrar.

5. Looking into the rival contentions and the urgency in ensuring that a duly elected Board assumes office as expeditiously as possible and consider the relevant provisions of law, we find it appropriate to dispose off the above petition by directing the respondent no.1 to complete the election process on or before 30/04/2017 in accordance with law. Rule stands disposed off in the above terms.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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