

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 610 OF 2011**

1. Shri Arun Y. Redkar, C/o AGE EmI, GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.
2. Shri V. Satyanarayana, C/o AGE EmI, GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.
3. Shri Krishna Fati Naik, C/o AGEB/R II, GE Gomantak Vasco, Mangor Hill, Vasco-Da-Gama.

All Directors/Managing Committee Members of the MES Employees Consumers Co-operative Society Ltd., C/o Garrison Engineer, Vasco-da-Gama, Goa.

.... Petitioners

Versus

1. Shri P.N. Halshikar, Chairman, C/o AGE EmI, GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.
2. Shri Vithal Malvankar, Vice Chairman, C/o AGE EmI, GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.
3. Shri Babu J. Upardekar, C/o GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.
4. Shri Chandrakant K. Gaonkar, C/o AGE EmII, GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.
5. Shri Popat L. Bhivshet, C/o AGE EmI, GE(NW) Vasco, Shantinagar, Vasco-Da-Gama.

6. Shri Digamber Dessai, C/o E/M GE Gomantak, Mangor Hill, Vasco-Da-Gama.
7. The MES Employees Consumers Co-operative Society Ltd.,  
All 1 to 6 are the Directors/Managing Committee Members of the Society and the Respondent No. 7 is a Society, having office at C/o Garrison Engineer, Vasco-Da-Gama, Goa. .... Respondents

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Shri Gaurish Agni with Shri Eeshan Usapkar Advocates for the Petitioners.

Shri Devidas J. Pangam with Shri Luis Fernandes, Advocates for the Respondent Nos. 1 to 7.

**CORAM:- C. V. BHADANG, J.**

**RESERVED ON: 4<sup>th</sup> OCTOBER, 2017**

**PRONOUNCED ON: 11<sup>th</sup> OCTOBER, 2017**

**JUDGMENT:**

It appears that the members of the Managing Committee of the MES Employees Consumer Co-operative Society (Society, for short), were elected in the year 2005 for a period of five years. There are two rival groups amongst the members of the Managing Committee. The first group consists of six members (party no. 1) and the other comprising of three members (party no. 2). The party no. 2 had raised a dispute before the Registrar's Nominee, challenging the validity of the

Annual General Body Meeting (AGM) held on 14.10.2009. The Registrar's Nominee by an order dated 02.09.2010 declared the meeting to be illegal and void. That was challenged by the party no. 1 before the Co-operative Tribunal (Tribunal, for short) in Co-operative Appeal No. 16/2010. The learned Tribunal by a judgment and order dated 23.08.2011 allowed the appeal, thus restoring the validity of the meeting held on 14.10.2009. It is this judgment, which is subject matter of challenge in this petition, at the instance of party no. 2.

2. On hearing the learned Counsel for the parties, it appears that the period of five years, for which the Managing Committee was elected has already expired. That apart, subsequently the petitioners had initiated proceedings against the members of the Managing Committee under Section 61(a), read with Section 71 of the Act before the Registrar of Co-operative Societies, in which all the members of the Managing Committee were disqualified. That was challenged by the party nos. 1 and 2 by way of separate petitions being Writ Petition Nos. 20/2014 and 58/2014, which are partly allowed, declaring that the members of the Managing Committee are deemed to have incurred disqualification w.e.f. 01.01.2012.

3. Section 61(a) of the Goa Co-operative Societies Act, 2001 (Act, for short) contemplates such disqualification to last for a period of five years. Thus, the period of five years commencing from 01.01.2012 is also over and this Court has directed the Registrar of Co-operative Societies to take steps for constitution of a new Board of Directors of the Society in accordance with law. In that view of the matter, the learned Counsel for the petitioners submits that nothing survives in the petition.

4. The petition is accordingly disposed of as infructuous. Rule is discharged with no order as to costs.

**C. V. BHADANG, J.**

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