

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3705 OF 2017

Lakmanya Tilak Medical College and Hospital

Consumers Co-op. Society Ltd., Mumbai

through its Vice Chairman Mrs Pallavi

Keshav Pawar

... Petitioner

v/s

The State of Maharashtra and others

... Respondents

Mr P. S. Dani, Sr. Counsel with Mr D.W. Bhosale for Petitioner.

Mr C.P. Yadav, AGP for Respondent Nos.1 to 4.

Mr A. Y. Sakhare, Sr. Counsel with Mr Rahalwali and Mr R.R. Shetty for Respondent No.5.

Mr K. P. Anilkumar for Proposed Intervenor.

Mr R. Sarwankar with Mr P.V. Dubey i/b M/s Sarwankar and Co. for Respondent No.6.

Mr P.M. Saikumar for Respondent No.7 – IDBI.

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

DATE : MAY 4, 2017

P.C.:

Heard parties through their counsel.

2. After arguing at some length, the learned counsel for the parties submit that the Petition may be disposed of with liberty to the Respondent No.5 – Dean-cum-ex-officio Chairman of the Society in

question to approach the Competent Authority under the Co-operative Societies Act 1960 for redressal of his grievance against the action of the Petitioner – Society. He further submits that that the Respondent Nos.6 and 7 – Banks be directed not to de-freeze bank account of the Petitioner Society for a period of three weeks from today enabling the Respondent No.5 to approach the Competent Authority under the Co-operative Societies Act 1960 for redressal of his grievance and for seeking interim order from the said Authority. The prayer is accepted.

3. However, it is made clear that so far as the salary of the employees of the Society on the roll is concerned, we make it clear that to that extent the Respondent Banks are free to release the unpaid salary of the employees of the Society on the roll.

4. On filing of such dispute before the Competent Authority under the Co-operative Societies Act 1960, the Authority shall decide the Respondent No.5's Application for grant of interim relief as expeditiously as possible. We expect that the Authority shall decide the said Application within a period of three weeks from the date of filing of the Application.

5. Mr Dani, learned Sr. Counsel appearing for Petitioner submits that for the release of the salary as aforesaid, necessary steps

will be taken by the Petitioner.

6. With the aforesaid direction, the Petition is disposed of.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)