

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7452 OF 2013

**Palus Sahakari Bank Ltd. Palus,
Taluka Palus, Dist. Sangli**

..Petitioner

Versus

Shri. Vishwanath Bhagwan Rakh and others

..Respondents

Mr. V. B. Rajure for the Petitioner.

**Mr. U. R. Mankapure for the Respondent Nos.4, 5, 6 to 11, 14 to 19,
21 to 23, 26, 27.**

Mr. Dilip Shinde i/by Mr. V. M. Mali for the Respondent No.20.

**Ms. Manali Kaprekar i/by Mr. A. M. Kulkarni for the Respondent
No.25.**

Mr. Sagar A. Rane for the Respondent No.28.

Mr. S. H. Kankal, AGP for the Respondent Nos.29 & 30.

CORAM : R. M. SAVANT, J.

DATE : 6th FEBRUARY, 2017

PC.

1 The writ jurisdiction of this Court is invoked against the order dated 16.04.2013 passed by the Revisionary Authority i.e. the then Hon'ble Minister for Co-operation, Government of Maharashtra, by which order, the Revision filed by the Respondents herein i.e. 107 of 2011 came to be allowed and resultantly, the order dated 06.04.2009 passed by the Regional Director of Sugar, Kolhapur Division, Kolhapur, on the basis of which order, the Petitioner had joined the board of directors to the Disputes in question, their names were directed to be deleted from the array of Respondents in the Disputes filed by the Petitioner in the Co-

operative Court, Sangli.

2 The genesis of the instant order dated 16.04.2013 lies in the application made by the Petitioner herein to the Regional Director of Sugar, Kolhapur Division, Kolhapur, which application was for suing the liquidator who was by then appointed on the Tasgaon Sahakari Sakhar Karkhana as a party Respondent to the disputes in question. It seems that to the said application filed by the Petitioner, the liquidator filed a reply before the Regional Director of Sugar, in which reply, he had stated that apart from him it was also necessary to join the board of directors as parties to the proceedings. The Divisional Joint Registrar accordingly by his order dated 06.04.2009 issued directions to the Petitioner to join the directors alongwith the liquidator as party Respondents to the said disputes. In terms of the said directions, the amendment to the disputes were carried out. As a consequence of which directions the board of directors were joined as party Respondents to the disputes. The Respondents represented by Mr. U. R. Mankapure thereafter filed a Revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960 before the State Government i.e. Revisionary Authority i.e. Hon'ble Minister for Co-operation challenging the said order dated 06.04.2009, having regard to the fact that the Petitioner by its application made to the Divisional Joint Registrar had only sought the impleadment

of the liquidator to the proceedings and had not sought the impleadment of the erstwhile directors, deemed it appropriate to set aside the order of the Divisional Joint Registrar to the extent that it directed the joining of the directors as party Respondents to the said disputes. The Revisionary Authority has further held that the said directors would stand deleted from the array of Respondents. The question that is posed is whether the directions in the nature issued by the Divisional Joint Registrar to the effect of directing the deletion of the directors from the array of Respondents in a proceeding pending before the Co-operative Court could have been issued. In my view, the interest of justice would be served, if without interfering with the impugned order the following directions are issued :-

- I) It would be open for the Respondent Nos.5 to 28 to file an appropriate application before the Co-operative Court for their deletion based on the order passed by the Revisionary Court. The same to be done within four weeks from date and to be decided within six weeks thereafter.
- II) If any such application is filed, the Trial Court would decide the same having regard to the order dated 06.04.2009 passed by the Revisionary Authority.

III) In the event the directors are deleted from the array of Respondents, the same would not come in the way of the Petitioner adopting such remedies or proceedings against the directors as are available in law. If any such proceedings/remedies are adopted, needless to state that they would be considered on their own merits and in accordance with law.

IV) The parties to appear before the Co-operative Court on 14.02.2017 and the period of four weeks would begin to run from then.

3 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]