

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 11416 OF 2017**

**Shri Ramesh Sahebrao Kunjir & Anr**

**..Petitioners**

**Vs.**

**The State of Maharashtra & Ors**

**..Respondents**

**Mr. Y. S. Jahagirdar, Senior Advocate a/w Mr. Abhijit Kulkarni i/b DD & Abhijit Associates for the Petitioners**

**Ms N. M. Mehra AGP for the Respondent State**

**CORAM :R. M. SAVANT, &  
SARANG V KOTWAL, JJ  
DATE : 11<sup>th</sup> OCTOBER, 2017**

**P.C.**

1           The notice dated 19-9-2017 issued by the Regional Director of Sugar, Pune Division, Pune is taken exception to by way of the above Petition. The Petitioners herein claim to be the members of the Respondent No.8 society. It seems that on account of various factors which inter alia include the losses which the society has incurred, the Board of Directors of the Respondent No.8 society was superseded and Board of Administrators was appointed. It seems that thereafter by the impugned notice an interim order under Section 102(1) read with Section 103 of Maharashtra Co-operative Societies Act, for winding up of the Respondent No.8 society, came to be issued. The operative part of the said order indicates that the objections to the said show cause notice have to be taken by 23-10-2017 latest by 2.30 p.m. on the said day. As indicated above, the above Petition has been filed challenging the said show

cause notice. Since the notice impugned is a show cause notice and would be finalised only after hearing the objections if any to the same, the Petitioners have an avenue by way of raising objections to the said show cause notice.

2           The Learned Senior Counsel Mr. Jahagirdar appearing for the Petitioners seeks to rely upon a Division Bench Judgment of this Court in the matter of **Chandrapur Zilla Sahakari Krushi and Gramion Bahuudeshiya Development Bank Ltd. & Ors. Vs. State of Maharashtra & Ors.**,<sup>1</sup> wherein the Division Bench held that even prior to passing the interim order of winding up under Section 102, the concerned parties are required to be heard. In our view, the said judgment would not aid the Petitioners in as much as the instant notice is the show cause notice and the interim order would be passed only after the objections are considered by the Liquidator.

3           In our view, therefore, no case for interdiction in the Writ Jurisdiction of this court is made out, the Writ Petition is accordingly dismissed.

**[SARANG V KOTWAL, J]**

**[R.M.SAVANT, J]**

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<sup>1</sup> AIR 2003 BOMBAY 502