

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 31382 OF 2017**

Shri Ambadas Tamanna Mahanta & Anr

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. A. R. Rayani for the Petitioners

Mrs. R. A. Salunkhe AGP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 5th DECEMBER, 2017**

P.C.

1 The communication dated 11-10-2017 addressed by the Desk Officer, Co-operation Marketing and Textiles, Government of Maharashtra to the Commissioner of Co-operation and Registrar of Co-operative Societies, Maharashtra State, Pune, is sought to be questioned in the above Petition. The Petitioners seem to have an objection to the said communication on the ground that the Government by the said communication has refused to extend the period of liquidation in respect of the Solapur Merchant's Co-operative Bank Ltd., Solapur. There is no dispute about the fact that the liquidator was appointed in the year 2003 and the period of 10 years in terms of Section 109(1) of the Maharashtra Co-operative Societies Act has come to an end in the year 2013 itself. Hence there can be no statutory sanction to the period of liquidation being extended except if the Government so exercise powers thereby extending the period for liquidation of the society in question. In the

instant case, the Government having refused to extend the period of liquidation of the society in question, this Court cannot issue directions contrary to the statutory provisions. There is therefore no merit in the above Petition, the same is accordingly dismissed.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]