

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO.365 OF 2018***

G. S. Desai.

..... Petitioner.

Versus

Assistant Registrar of Co-op. Societies
Govt. of Goa and ors.

..... Respondents.

Ms. K. Pednekar, Advocate for the Petitioner.

Mr. P. Dangui, Government Advocate for the respondent nos.1 to 4.

Mr. J. Abreu Lobo, Advocate for the Respondent no.6 and 8.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.******Date : 19 April 2018.*****P.C. :**

We have heard this petition from time to time. On 27
March 2018 we had passed the following order:

*“Heard the learned Counsel for the
Petitioner. One of the contentions of the
Petitioner is that if, on 26 February 2018 the
Registrar of Co-operative Societies had*

exempted the Respondent- Society from the purview of Section 60(3) of the Goa Co-operative Societies Act, 2001, the persons referred to in the order dated 27 February 2018 cannot be considered as disqualified under Section 60(3) of the Act and, therefore, appropriate course of action would be to hold an election on the premises that Section 60(3) no longer applies to the Society.

2. *The learned Advocate General seeks time to take instructions. S.O. to 9 April 2018.*
3. *In the meantime, the Petitioner is permitted to serve Respondents No. 3 to 12 by way of private notice and file an affidavit of service.*
4. *The learned Counsel for the Petitioner states that the Petitioner has not handed over the charge, while the learned Advocate General asserts contrary. At this stage, it is not possible for us to opine conclusively on this issue. But we make it clear that whatever steps that are taken henceforth, will be subject to further orders of this Court.”*

2. Thereafter on 9 April 2018 following order was passed and the matter was adjourned till yesterday.

“The learned Advocate General states that since all agree that the holding of elections is a correct solution, the Registrar will not insist

upon the Petitioner handing over charge at present. The learned Advocate General states that however, the Petitioner must make all the records available to the Registrar and other Members of the Society for inspection at the mutually agreed time. The learned Counsel for the Petitioner states that the Petitioner will do so.

2. *As far as making the records available to the Registrar for starting the process of election is concerned, the learned Counsel for the Petitioner states that the records will be made available to the Registrar from tomorrow onwards.*
3. *Since, the other respondents are not yet served, which is necessary for disposal of this writ petition, S.O. to 18 April 2018.”*

3. All the Respondents were served and represented.

4. As recorded in the earlier order, and the Petitioner as well as the Respondents are ad-idem that, to resolve all the issues in the concerned Co-operative Society, elections be held.

5. Learned Government Advocate, on instructions, states that the Election programme as per Section 66 of Goa Co-operative Societies Act 2001 and Rule 55 of the Goa Co-operative Societies

Rules 2003 will be initiated and the first date of receiving nomination will be 11 June 2018. The learned Government Advocate states that election will be conducted as per the provisions of Rules and the Act and the expected date of result will be 9 July 2018 after following the procedure laid down under the Act and Rule.

6. There appears to be some debate at bar regarding the management of the society. The contingency as regards management of the society when the election programme is declared is provided under the Act and the Rules. The same shall be followed.

7. In view of this consensus at the bar, no further orders are required to be passed.

6. Writ Petition is accordingly disposed of in the above terms.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.