

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

WRIT PETITION NO. 11526 OF 2017

Jineshwar Co-operative Credit Society Ltd. ... Petitioner
V/s.
The State of Maharashtra through
the Deputy Registrar Co-operative Society & Anr. ... Respondents

Mr. Ramesh Ramamurthy i/b Saikumar Ramamurthy for the Petitioner.
Mrs. K.R. Kulkarni, A.G.P. for Respondent Nos.1 and 2.
Mr. K.P. Jebale, Deputy Registrar, Co-operative Society, N-Ward, Mumbai,
present.

**CORAM : A.A. SAYED AND
V.L. ACHLIYA, JJ.**

DATE : 9th FEBRUARY, 2018.

PC. :

1 The only contention urged before the Court is that there is a violation of principles of natural justice and the Petitioner required to be heard before the final order is passed by the Deputy Registrar, Co-operative Societies, appointing liquidator under Section 102 of the Maharashtra Co-operative Societies Act, 1960. The Affidavit-in-Reply filed by the Deputy Registrar, Co-operative Societies, nothing is brought on record to show that before the final order was passed, the Petitioner received any communication/intimation of fixing the hearing.

2 Having heard learned Counsel for the Petitioner and the learned A.G.P, we are of the view that an opportunity of hearing ought to have been given to the Petitioner by the Deputy Registrar, Co-operative Societies, before passing the final order appointing liquidator.

3 In the circumstances, we pass the following order :-

- i) The final order dated 10.01.2017 of the Deputy Registrar, Co-operative Societies appointing liquidator, is set aside.
- ii) The Petitioner shall be granted an opportunity of hearing by the Deputy Registrar before passing the final order.
- iii) We make it clear that the interim order dated 07.11.2016 nominating the Liquidator would continue to operate.
- iv) Petitioner shall appear before the Deputy Registrar, Co-operative Societies, on 26.02.2018 alongwith a copy of this order.
- v) The Writ Petition is disposed of in the aforesaid terms.
- vi) All concerned to act on authenticated copy of this order.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)