

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.541 OF 2019

VRIDDHESHWAR TALUKA SAHAKARI DUDH UTPADAK SANGH
MARYADIT PATHARDI THROUGH GENERAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Gulab B. Rajale, Advocate for the petitioners
Mr.M.A.Deshpande, AGP for the respondent/State

**WITH
WRIT PETITION NO.1229 OF 2019**

KARJAT TALUKA SAHAKARI DUDH VYAVASAYIK VA PRAKRIYA
SANGH MARYADIT KARJAT THROUGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Gulab B. Rajale, Advocate for the petitioners
Mr.V.S.Badakh, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 29.01.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. Petitioner No.1 is the Milk Producing Society represented through General Manager and petitioner No.2 is the Director of the Society.

3. The petitioners challenge the notices dated 13.06.2018, 20.06.2018 as well 10.09.2018. Respondent No.2 Divisional Deputy Registrar issued directions to the milk producing Society to create separate fund by maintaining separate account in the bank referred to as 'stabilizing fund'. By this circulars/notices Cooperative societies alike the petitioners milk society are bound that in failure to create the stabilizing fund the societies would face the action under the provision of the Maharashtra Co-operative Societies Act, 1960. Learned counsel submits that the petitioners' society in response to the circular/communication submitted reply to respondent No.2 Divisional Deputy Registrar of Cooperative Societies, Nashik Division, Nashik on 29.10.2018/04.12.2018(in WP/1229/19) the same is pending consideration of the authority. Learned counsel then invited our attention to the order of the division bench dated 08.10.2018 in writ petition No.11216/2018 to submit that on identical circumstances the division bench permitted the petitioner to submit reply to the notice and further directed the respondent authorities that in the event of issuance of any adverse order in pursuance to the notice dated 10.09.2018 against the

petitioners, said adverse order, if any, shall not take effect for a period of four weeks from the date of service of said order on the petitioners. With these observations the petition was disposed of. Learned counsel thus prayed for similar protection. The copy of the order dated 08.10.2018 is placed on record and marked "X" for identification.

4. Considering the above referred facts as well the order of this Court dated 08.10.2018 and in addition the reply submitted by the petitioners to the authority, we see no reason to take any different view than the view adopted by this Court as per order dated 08.10.2018.

5. Accordingly, we direct respondent Nos.1 and 2 after considering reply filed by the petitioners dated 29.10.2018/04.12.2018 and if the authority is of an opinion to grant an opportunity for hearing to the petitioners society after affording such an opportunity an adverse order is passed by respondent Nos.1 and 2 in pursuance to the notice dated 10.09.2018 against the petitioners, the same shall not take effect for a period of four weeks from the date of service of said order on the petitioners.

6. In view of above referred directions, the petitions are disposed of accordingly.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]