

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.963 OF 2019
ALONG WITH
IN PERSON APPLICATION NO.61 OF 2019**

Deonar Industrial Premises
Co-operative Society Limited

... Petitioner

Versus

State of Maharashtra
Through Joint Secretary
And Others

... Respondents

.....

Mr. Ponvel Nadarajan, the Petitioner No.2 present in person.

Mr. Kedar Dighe, AGP for Respondent Nos.1, 2 and 4.

Mr. Mayank Bagla I/b Jainish Jain for Respondent No.15.

Mr. Ganesh S. Gosavi, Authorized Officer appointed by the Dy. Registrar,
Co-operative Societies.

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CORAM : S.C. GUPTE, J.

DATE : 22 APRIL 2019

P. C. :

. This petition is filed by the first Petitioner-society and the second Petitioner as its Secretary. Petitioner No.2 appears in person. I have permitted him to do so. Accordingly, In Person Application No.61 of 2019 shall be treated as allowed.

2 The controversy in the present petition concerns the orders passed by Dy. Registrar of Co-operative Societies, M-Ward, Mumbai, directing registration of transfers of shares in favour of Respondent Nos.5 to 15. The grievance of the Petitioners is that these transfers have been illegal and

void. At the hearing of the petition, however, the Petitioners restrict their grievance to transfer of membership in case of Respondent Nos.6, 14 and 15 alone. It is submitted that the order of Dy. Registrar, directing registration of transfers of shares, has been passed on the basis of orders of the Co-operative Court. It is, however, pointed out by Petitioner No.2 that these orders do not relate to Respondent Nos.6, 14 and 15. So far as Respondent Nos. 6 and 15 are concerned, there are, infact, no orders accepting transfers of shares, whereas in case of Respondent No.14, the transfer is ordered in favour of her predecessor-in-title. There is no application of mind by any Court as to whether this particular transfer should be made in favour of Respondent No.14 instead of her deceased predecessor. These facts are not contested either by AGP for the State or by Respondent No.15, who alone represents the Respondents before this Court.

3 It so transpires that currently, the Managing Committee of the society has been superseded by appointment of an administrator under Section 77A of Maharashtra Co-operative Societies Act, 1960. That order has been passed recently, i.e. on or before 20 April 2019. The Administrator appointed by Petitioner No.1-co-operative society is present in court in-person.

4 In the premises, the petition is disposed of by consent of the parties appearing before this Court in terms of the following order :

- (i) The order of Dy. Registrar of Co-operative Societies, M-Ward, Mumbai, so far as it relates to Respondent Nos.6,

14 and 15, is quashed and set aside;

(ii) Respondent Nos.6, 14 and 15 shall apply to the first Petitioner society, as and when its elections are held and its new Managing Committee is in place, for consideration of their applications for transfer of shares;

(iii) All rights and contentions of the parties on merits are kept open;

(iv) As regards the other respondents, namely, Respondent Nos.5 and 7 to 13, the impugned order dated 11 March 2019 is sustained and shall be implemented;

(v) Learned Counsel for Respondent No.15, on taking instructions from his client, undertakes to this court to pay the dues of the society owed by his transferor within a period of four weeks of demand in that behalf made by the new Managing Committee of the Society;

(vi) So far as the other Respondents are concerned, demand towards their alleged outstanding dues shall be made by the new Managing Committee of the society as and when it is constituted and the dues so demanded shall be cleared by the Respondents in accordance with law;

(vii) The existing office bearers of the first Petitioner society shall hand over charge of the society to the

Administrator appointed under an order passed on 20 April
2019 in due course.

(S.C. GUPTE, J.)