

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2164/2018

UMESH RAMRAOJI BAGANE

Vs.

THE DIVISIONAL JOINT REGISTRAR, CO-OPERATIVE SOCIETIES AND OTHERS.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri J.B.Kasat, Advocate with Shri Vinay Dahat, Advocate for petitioner.
Shri A.V.Palshikar, Assistant Government Pleader for respondent nos.1 & 2.
Shri R.J.Mirza, Advocate for respondent no.4.

CORAM : A.S.CHANDURKAR, J.

DATED : July 02, 2019

The petitioner is aggrieved by the order passed by the Divisional Joint Registrar, Co-operative Societies, Amravati allowing the revision application preferred by the respondent no.4 and disqualifying the petitioner from continuing as a member of the Managing Committee of the respondent no.3-Society under the provisions of Section 73 CA(1) of the Maharashtra Co-operative Societies Act, 1960 (for short, 'the said Act').

It is undisputed that the petitioner was elected as a member of the Managing Committee from the borrowers constituency in the elections that were held on 13.04.2017. Prior thereto, the petitioner had borrowed an amount of Rs.one lakh forty seven thousand three hundred twenty as crop loan. The said crop loan was to be repaid by 31.03.2017. The petitioner failed to repay the said crop loan by 31.03.2017. In April, 2017 he made an application for selling his crops under a scheme implemented by the Marketing Federation. The petitioner could ultimately sell his crops on 08.08.2017 and after receiving consideration therefor, he repaid the amounts borrowed in November, 2017. The respondent no.4 therefore

initiated proceedings seeking disqualification of the petitioner on the ground that he was a defaulter. The Assistant Registrar, Co-operative Societies did not accept the contentions raised by the respondent no.4 and dismissed the proceedings. The Revisional Authority however has held the petitioner to be a defaulter and has accordingly disqualified him.

Shri J.B.Kasat, learned counsel for the petitioner by relying on the provisions of Section 27(10) of the said Act submitted that as the crops grown by the petitioner were registered for on-line sale in April 2017, it could not be said that the petitioner was a defaulter. Merely because the sale proceeds were received in November 2017 and the same were accordingly deposited, same would not indicate that the petitioner was a defaulter. The petitioner could not be blamed for the fact that he received amounts towards sale proceeds only in November, 2017. The Assistant Registrar had rightly held the petitioner not to be a defaulter. The respondent no.1 was not justified in disqualifying him.

Shri A.V.Palshikar, learned Assistant Government Pleader for respondent nos. 1 and 2 and Shri R.J.Mirza, learned counsel for respondent nos. 4 supported the impugned order. They submitted that since the dues were to be cleared by 31.03.2017 and as the same were admittedly not cleared by the petitioner, he was rightly held to be disqualified. The due date in question was not extended and on-line registration by the petitioner was after the due date. Hence no interference with the impugned order is called for.

On hearing learned counsel for the parties, it is seen that the Revisional Authority has rightly noted that the due date for repayment of the crop loan was 31.03.2017. The petitioner had sent his crops to the collection centre only on 08.08.2017 and had repaid the crop loan on 24.11.2017. All these events have occurred after the due date. Though there was an incentive scheme introduced by the State Government, the due date for repayment of the crop loan was not extended. In the light of

the aforesaid admitted position on record, it is clear that the petitioner has incurred disqualification under the provisions of Section 73 CA(1) of the said Act as found by the respondent no.1.

Thus, in absence of any jurisdictional error on the part of the respondent no.1, there is no case made out for interference in writ jurisdiction. The writ petition is accordingly dismissed. No costs.

JUDGE

Andurkar.