

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

**58 WRIT PETITION NO.13696 OF 2019
WITH CA/15/2020 IN WP/13696/2019**

RAJENDRA BHAGWANT SHINTRE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. D. Hon, Senior Advocate a/w Mr. Ashwin V.
Hon, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. S. V. Adwant, Advocate for Respondent No.5

Mr. D. S. Bagul, Advocate for Respondent No.6.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 16th JANUARY, 2020.

PER COURT:-

1. Mr. Hon, learned senior counsel for petitioner submits that the Administrator is required to be appointed during the period of erstwhile managing committee. The respondent no.6 suffered loss of Rs.15.17/- crores. During the tenure of the Administrator, the Bank made profit of Rs.3,44,00,000/-. The Committee which was suspended for a period of one year was again restored in office and thereafter, within a short time it was again suspended. Section 157 of the Maharashtra Co-operative Societies Act provides for exemption to the society from the provisions of Section 110-A regarding the period of one year as

contemplated for tenure of the Administrator. The learned counsel submits that for the effective administration of respondent no.6, it is necessary that proposal for continuation of the Administrator is allowed. The respondents be directed to consider the said proposal.

2. The learned A.G.P. submits that the voters list has been prepared and the final voters list is to be published on 30.01.2020 and thereafter, elections are to be conducted. The program has been published.

3. Under the provisions of the Maharashtra Co-operative Societies Act, it is expected that the society is to be managed by democratically elected persons. The appointment of Administrator is not as a matter of course. The petitioner is one of the member of the Administrative Committee and the petition is filed by him for continuation of Administrator on the ground that during the period of erstwhile managing committee the Bank suffered losses.

4. We cannot presume that, new managing committee would not work efficiently. If the new managing committee commits default, the statutory provision can be resorted to and action can be taken against the erring members. It is more than one year the Administrative Committee / Administrator is functioning.

5. In light of the above, no further orders are required to be passed in the present writ petition.

6. Writ Petition as such is disposed of. No costs.

7. In view of disposal of writ petition, present civil application stands disposed of.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE