

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 WRIT PETITION NO. 1578 OF 2021

JAY HIND KRUSHI VIKAS SEVA SAHAKARI SANSTHA LTD.,
WADI, TALUKA PATHRI, DISTRICT PARBHANI, THROUGH
ITS REPRESENTATIVE PRABHAKAR S/O RUSTUMRAO

SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pawade Nilkanth R.

AGP for Respondent Nos. 1 & 3 : Mr. K. B. Jadhavar

Advocate for Respondent No. 2 : Mr. V. H. Dighe

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CORAM : V. K. JADHAV, J.

DATED : 9TH FEBRUARY, 2021

PER COURT :-

1. Being aggrieved by the order dated 18.01.2021 passed by respondent no.2-Election Officer, by which the objection taken by the petitioner for non-inclusion of name of the petitioner in the provisional as well as final voter list prepared for the election of the Parbhani District Central Co-operative Bank Ltd., Parbhani (for short, "DCC Bank") was turned down, the petitioner, who is the original objector, has preferred this Writ Petition.

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2. Learned counsel for the petitioner submits that by order dated 03.02.2017, the Registrar had directed to wound up the petitioner society. However, by order dated 30.09.2020, the said interim order of winding up of the society was vacated. Learned counsel submits that, the last date of submitting the resolution recommending the delegate was 27.02.2020. The petitioner society has sent its nominee to participate in the election of the DCC Bank on 05.01.2021 i.e. after the interim order of winding up came to be vacated. Learned counsel submits that respondent no.2-Election Officer ought to have included name of the petitioner in the voter list.

3. Learned counsel Mr. V. H. Dighe, appearing for respondent no.2-Election Officer so also for respondent no.3, submits that during subsistence of the interim order, the petitioner society could have submitted the resolution recommending the delegate. However, it was submitted on 05.01.2021 though the last date prescribed for submission of

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such resolution was 27.02.2020. The Writ Petition is thus liable to be rejected.

4. I have also heard learned AGP for the respondent State.

5. In terms of the provisions of Section 102 of the Act of 1960, the Registrar may issue an interim order to the society directing it to be wound up. In terms of the provisions of Sub-section (2) of Section 102 of the Act of 1960, a copy of such interim order shall be communicated, in the prescribed manner, to the society calling upon it to submit its explanation to the Registrar within a month from the date of issue of such order and the Registrar, on giving an opportunity to the society and to the creditors of the society, if any, of being heard, may issue final order, vacating or confirming the interim order.

6. In terms of the provisions of Section 103 (1), after passing of an interim order, the Registrar may also appoint a

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person to be liquidator of the Society and in terms of the provisions of Sub-sections (2) and (3), certain provisions are prescribed as to the business of the society to be transacted on appointment of the liquidator.

7. In the instant case, though on 03.02.2017 the interim order directing the petitioner society to be wound up was passed by the Registrar concerned, however, during subsistence of the interim order, the petitioner society could have submitted the resolution recommending the delegate. However, it was submitted on 05.01.2021 though last date prescribed for submitting such resolution was 27.02.2020. Though by order dated 30.09.2020, the interim order of winding up of the society was vacated, the resolution recommending the delegate was submitted on 05.01.2021.

8. While disposing off Writ Petition No. 1266 of 2021 by order dated 30.01.2021, this Court has taken a different view. The petitioner society in that case submitted the resolution recommending name of the delegate within the

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prescribed time. In the instant case, however, the facts are altogether different. In view of the same, I find no error in the impugned order. There is no substance in the Writ Petition. The Writ Petition is accordingly dismissed.

(V. K. JADHAV, J.)