

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2098 OF 2021

Shri Shivaji Ganpati Pawale

....Petitioner

Vs.

The Hon'ble Minister for Co-operation
and Textile, Maharashtra, Mantralaya,
Mumbai and ors.

..... Respondents

Mr.Vinod Tayade a/w Mr.Umeshchandra , for the Petitioner.

Mr.C.D. Mali, AGP for the Respondent - State.

Mr.Suraj Dessai Almeida, for Intervener/ Original Complainant.

Mr.Yuvraj Patil, for Respondents No. 3 &4 .

CORAM : M. S.KARNIK, J.

DATE : 05th JULY, 2021

P.C. :

. Heard learned Counsel for the Petitioner, learned AGP for Respondent - State and learned Counsel appearing for Intervener who is also one of the Complainant. The Petitioner challenges an order passed by Deputy Registrar removing the Managing Committee members and appointing Administrator over the Society. It is the Petitioner's case that he was one of the Complainant on whose complaint, the impugned order appointing an Administrator came to be passed under Section

78(A)(1) of the Maharashtra Co-operative Societies Act, 1960. The case of the Petitioner is that complaint was made only against the Chairman of the Society and not against the other Managing Committee members. Even the Intervener - Complainant says that the complaint was filed against the Chairman of the Society.

2. It is pointed out that against the order impugned in this Petition, an Appeal came to be filed before the Hon'ble Minister, memo of which is at page 151 of the paper-book on 08/04/2021. Along with the Appeal, the Petitioner preferred an application for stay of the impugned order. It is pointed out by learned Counsel that because of Covid-19 situation, application for stay is not being heard. It is further contended that in the meantime, Deputy Registrar is threatening that the Administrator would be appointed to take charge of the Society.

3. Considering that the complaint was against the Chairman of the Society and even the Petitioner says that he has no grievance against the other members of the Managing Committee except the Chairman, prima facie, the order of removal of the committee members passed by the Deputy

Registrar appears to be drastic. In any case, statutory Appeal has been filed by the Petitioner before the State Government. In such circumstances, interest of justice would be served if the application for stay is directed to be decided by the Hon'ble Minister within a period of 8 weeks from today after hearing all concerned. Considering the facts of the present case, for a period of 10 weeks from today, order passed by the Deputy Registrar removing the Managing Committee members and appointing the Administrator shall remain stayed.

4. The application for stay to be decided on its own merits without being influenced by any observations made by me in this order. The parties to appear before the Hon'ble Minister, Co-operation on 13/07/2021 at 3.00 p.m.. Learned AGP to communicate the order passed by this Court.

5. In view of the stay granted by this Court, the Bank to permit the Society to operate bank account. I am conscious that all members of Managing Committee are not before this Court and only one member of the Managing Committee (Complainant) is before this Court. In this view of the matter, the Managing Committee is restrained from taking any major policy decision

and are permitted to operate bank accounts for a limited purpose of making payments to cover the day to day affairs of the Society such as electricity bills, water charges, labour and other essential maintenance. The Managing Committee to submit the accounts to Deputy Registrar once in four weeks.

6. The Petition stands disposed of.

(M.S.KARNIK, J.)