

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4352 OF 2021**

Jayant D. Sanghvi and Ors. ... Petitioners
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Aditya Bhatt i/by Bespoke Legal, for Petitioners.

Mr. V.S.Gokhale, 'B' Panel Counsel, for State.

Dr. Birendra Saraf, Senior Advocate with Mr. Rohan Savant, Mr. Sidharth Samantaray, Mr. Purva Babaua, for Respondent No.3.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 5th OCTOBER, 2021

P.C. :

1. By the above Writ Petition, the Petitioners seek the following reliefs :

“(a) That this Hon’ble Court be pleased to direct the Respondent No.2 to expeditiously conclude the enquiry under Section 83 and Section 88 against the office bearers of the Respondent No.3 Society within four weeks hereof and consequently take appropriate action in law including but not restricted to prosecution under Sections 146(g), 146(j), 146(k) and 146(p) the Maharashtra Co-operative Societies Act, 1960 and disqualification from further contesting elections;

(b) That this Hon’ble Court be pleased to direct the Respondent No.2 to expeditiously hear and decide upon the representation of the Petitioners to the Respondent No.2 dated 09.08.2021;

(c) That pending the hearing and final disposal of the representation dated 09.08.2021, this Hon’ble Court be pleased to direct the Respondent No.2 to supersede the Managing Committee of the Respondent No.3 society and appoint and administrator under Section 78-A and in the alternative

temporarily suspend the Managing Committee for six months under Section 78 of the Maharashtra Co-operative Societies Act.

(d) That pending the hearing and final disposal of the representation dated 09.08.2021, this Hon'ble Court be pleased to restrain the Respondent No.3 from distributing any funds of the Respondent No.3 society on its own or based on any resolution passed in a General Body meeting;”

2. In so far as prayer clause (a) is concerned, the Respondent No.3 will take necessary steps in accordance with law. As far as prayer clause (b) is concerned, the Respondent No.2 shall hear the parties and their Advocates on 11th October, 2021 at 11.00 a.m., and pass necessary orders. In the event of the Respondent No.2 being of the view that the matter needs to be adjourned, he shall consider the Petitioners' request for passing ad-interim / interim orders strictly on merits and pass necessary orders. All contentions of the parties including the issue of maintainability are kept open. The Writ Petition is accordingly disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)