Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6667 OF 2021
AND
WRIT PETITION NO.6654 OF 2021
AND
WRIT PETITION NO.6655 OF 2021
AND
WRIT PETITION NO.6656 OF 2021
AND
WRIT PETITION NO.6658 OF 2021
AND
WRIT PETITION NO.6660 OF 2021
AND
WRIT PETITION NO.6659 OF 2021
AND
WRIT PETITION NO.6657 OF 2021
AND
WRIT PETITION NO.6661 OF 2021

Pune Zillha Sahakari Dudh Utpadak
Sangh Maryadit ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

Mr. S.S. Kanetkar with Mr. Aadesh Patil for Petitioner.
Mr. C.D. Mali, AGP for State.
Mr. Akshay Kapadia for Respondent No.5.

CORAM : G. S. KULKARNI, J.
DATE : OCTOBER 21, 2021

PC :

1. Heard Mr. Kanetkar, learned counsel for the petitioner, Mr. Mali, learned AGP for respondent nos.1, 3 & 6 and Mr. Kapadia, learned counsel for respondent no.5.

2. All these petitions have been filed by the petitioner-federal society challenging similar order dated 7 September, 2021 passed by respondent no.2-Joint Registrar, Co-operative Societies (Dairy) Maharashtra State, Mumbai, in Appeal No. 44 of 2021 whereby the appellate authority has set aside the interim and final liquidation orders dated 3 June 2014 and 3 May 2016 passed against respondent no.5 (society in each petition) who are member societies of the petitioner-federal society.

3. Mr. Kanetkar, learned counsel for the petitioner has drawn my attention to the various grounds as urged in assailing the said order. He has also drawn my attention to the recent notice dated 20 September, 2021 issued by the Divisional Deputy Registrar, Co-operative Societies (Dairy) Pune Division, Pune. In pursuance of the impugned orders passed by the appellate authority, the Divisional Deputy Registrar by such notice has called upon the petitioner to place on record its written say within a period of 7 days of receipt of the said notice in regard to the application as filed on behalf of the respondent no.5-societies complaining unilateral cancellation of the membership of respondent no.5-societies, by the petitioner.

4. Mr. Kanetkar has fairly submitted that as the petitioner has moved this Court by way of the present petitions, so far no final reply to the said

notice dated 20 September, 2021 of the Divisional Deputy Registrar has been filed and only interim reply was filed on 28 September, 2021 filed stating that as certain documents demanded by the petitioner from respondent no.5 were not provided, a final reply could not be filed. He submits that the petitioner would take immediate steps to file its reply affidavit to the said notice.

5. Be that as it may, in my opinion, it would be appropriate that the petitioner raises all contentions which are raised in the present petitions before the Divisional Deputy Registrar in responding to the said notice dated 20 September, 2021.

6. Learned counsel for respondent no.5 stated that the election programme of the petitioner-federal society has already been notified and the resolution of the respective societies nominating their members are required to be submitted to the petitioner on or before 26 October, 2021. The time before the Divisional Deputy Registrar is too short. However, it would be appropriate that the petitioner on or before 25 October, 2021 submits its say in response to the notice of the Divisional Deputy Registrar dated 20 September, 2021 and the Divisional Deputy Registrar takes further appropriate action to decide the said notice on or before 26 October, 2021.

In this regard, all contentions of the petitioner, including the contentions as raised in these petitions, are expressly kept open.

7. In view of the above observations, further adjudication of these petitions is not called for. The writ petitions are accordingly disposed of relegating the parties to the proceedings of notice dated 20 September, 2021 issued by the Divisional Deputy Registrar, as observed above, which be decided in accordance with law.

8. All contentions including on jurisdiction are expressly kept open. No costs.

(G. S. KULKARNI, J.)

PRAJAKTA SAGAR VARTAK
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