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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.2261 OF 2019

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Savitribai Phule Nagari Sahakari Pat Sanstha Ltd. ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

Mr.S.S. Patwardhan with Mr.B.R. Mandlik for the Petitioner.

Mrs.Neha Bhide, AGP for the State – Respondent Nos.1 and 2.

**CORAM : R.D. DHANUKA &
MADHAV J. JAMDAR , JJ.**

DATE : 16TH JUNE, 2022.

P.C. :-

1. Rule. Rule made returnable forthwith. Mrs.Bhide, learned AGP waives service for the respondent nos.1 and 2.

2. By the present writ petition, the petitioner, a registered society is challenging the order dated 1st November, 2018 passed by respondent no.2 – The Deputy Registrar, Co-operative Societies (E) Division, Mumbai. By the impugned order, application of the society for change in the name in the register maintained by the Registrar of Societies is refused.

3. Mr.Patwardhan, learned counsel for the petitioner submitted that the change has already been effected by an order dated 28th October, 2003. By said change name of the Society is changed to “Savitribai Phule Nagari Sahakari Patsanstha Ltd.”

instead of “Savitribai Phule Magasvargiya Mahila Sahakari Pat Pedhi (Niyojit)”. He submitted that accordingly the registration certificate by inserting the new name is issued however, the corresponding change in the register maintained by the Registrar is not made. He pointed out section 15 of the Maharashtra Co-operative Societies Act, 1960 (for short “the said Act”) and Rule 14 of the Maharashtra Co-operative Societies Rules, 1961 (for short “the said Rules”).

4. On the other hand, Mrs.Bhide, learned AGP appearing for the respondent nos.1 and 2 submitted that the society has not complied with the requirement of producing certain documents. She submitted that the society was called upon to produce audited books of accounts and returns of the petitioner society filed under section 79 of the said Act, documents relating to the annual general meeting and working of the petitioner credit society under section 75 of the said Act, documents under sections 81 and 82 of the said Act and documents relating to elections of the petitioner credit society under section 73 CB of the said Act. She submitted that thus the changed name of petitioner Society will be included in the “D” register maintained by the office of the respondent no.2 after the said documents are produced.

5. Mr.Patwardhan, learned counsel for petitioner in rejoinder submitted that these documents are not at all required for the

purpose of maintaining the register maintained by the office of the respondent no.2. Section 15 of the said Act which is relating to change of name provides that where a society changes its name, the Registrar shall enter the new name in its place in the register of societies and shall also amend the certificate of registration accordingly. Rule 14 sub rule 4 of the said Rules provides that the Registrar shall enter the new name in the register of societies maintained by him and sub rule 3 contemplates that after the change in the name is approved by the Registrar, the society shall send the original registration certificate for amendment to the Registrar, who shall return the same to the society by amending the same. Mr.Patwardhan, learned counsel for the petitioner states that insofar as the notification of change in name in the Official Gazette as required and sub rule 2 of rule 14 is already complied with.

6. To appraise the rival contentions, it is necessary to set out section 15 of the said Act and Rule 14 of the said Rules.

“15. Change of name.—

(1) A society may, by resolution passed at a general meeting and with the approval of the Registrar, change its name; but such change shall not affect any right or obligation of the society, or of any of its members, or past members, or deceased members; and any legal proceedings pending before any person, authority or Court may be continued by or against the society, under its new name.

(2) Where a society changes its name, the Registrar

shall enter the new name in its place in the register of societies and shall also amend the certificate of registration accordingly.”

“14. Change in name of society:-

(1) The name of a society may be changed under Section 15 so however that it does not refer to any caste or religious denomination and is not inconsistent with the objects of society.

(2) Every change in the name of a society shall be made by an amendment of its by-laws and shall be notified in the Official Gazette.

(3) After the change in the name is approved by the Registrar, the society shall send the original registration certificate for amendment to the Registrar, who shall return the same to the society duly amended.

(4) The Registrar shall enter the new name in the register of societies maintained by him.”

7. The factual position on record clearly shows that by order dated 28th October, 2003, the change in name of the petitioner society is already approved and accordingly registration certificate by incorporating new name is issued to the petitioner. In view of provision of Rule 14(3) & Rule 14(4), we do not find any impediment in the respondent no.2 making corresponding change in the record maintained by the respondent no.2. Exhibit “B” which is the amended registration certificate clearly shows that the name of the petitioner society has been changed in the registration certificate pursuant to the order dated 28th October, 2003. Therefore, as per Rule 14 (4) the

respondent no.2 shall enter the new name in the register of the society maintained by him.

8. In view of this we allow the writ petition in terms of prayer clauses (a) and (b). The respondent no.2 is directed to record the new name of the petitioner i.e. "Savitribai Phule Nagari Sahakari Patsanstha Ltd." in the register maintained by him in form "D" within a period of four weeks from today.

9. Rule is made absolute accordingly. There shall be no order as to costs.

10. All the parties to act on the authenticated copy of this order.

(MADHAV J. JAMDAR, J.)

(R.D. DHANUKA, J.)