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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1611 OF 2021

Late Shrikant Shrimandhar Mirje
(Since deceased) Through LR's & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH
WRIT PETITION NO.5656 OF 2021

Subhash Anandrao Chougule ...Petitioner
Versus
Union of India & Ors ...Respondents

Mr Prashant Bhavke, for the Petitioner.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 14th March 2022

PC:-

1. These Petitions are misconceived.
2. There is no doubt that the Bhaichand Hirachand Raysoni Multi-State Co-operative Society Ltd, Jalgaon is in liquidation. The Liquidator is Respondent No 2. The Petitioners sought leave of the

Central Registrar under section 117(2) to institute a consumer complaint against the liquidator in regard to the Petitioners' claim that they had made large fixed deposits with the Multi-State Co-operative Society. That application was rejected.

3. In our view there is no cause for interference. The rejection is completely in accordance with law. The liquidator will undoubtedly discharge his duties as required by the Multi-State Co-operative Societies Act, 2002, including under Section 90(2) and (3). Claims will be invited and will have to be proved before the liquidator, following which there will be a process of distribution during liquidation as contemplated by the statute.

4. There is no question of any party suing the liquidator on a consumer complaint to gain priority or precedence over other claimants or to get an award in damages. This would be a fresh claim arising after an order of liquidation. This is not the purpose of Section 117(2).

5. The Petitions are without substance. Both are rejected. There will be no order as to costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)