

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7779 OF 2017

Savita Magasvargiya Audyogik Sahkari Sanstha
Maryadit, Ichalkaranji .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7782 OF 2017

Panther Schedule Cast Industrial Co-operative
Society Limited. .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7781 OF 2017

Parivartan Magasvargiya Audyogik Sahkari
Sanstha Maryadit, Tilwani .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7783 OF 2017

Sonai Magasvargiya Audyogik Sahkari Sanstha
Maryadit Hatkangale .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7785 OF 2017

Haripriya Magasvargiya Audyogik Utpadak
Sahkari Sanstha Maryadit, Tardal. .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7784 OF 2017

Govind Magasvargiya Audyogik Sahkari Sanstha
Maryadit, Pethwadgav .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7793 OF 2017

Sanghmitra Magasvargiya Audyogik Sahkari
Sanstha Maryadit .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7787 OF 2017

Sahyadri Aoudyogik Sahkari Sanstha Maryadit,
Satara .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO. 7786 OF 2017

Yshodip Magasvargiya Audyogik Sahkari
Sanstha Maryadit, Majle .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

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- Mr. Rahul B. Vijaymane for Petitioners in WP(s) 7779/2017 & 7793/2017
 - Mr. Rajaram Bansode for Petitioner in WP 7787/2017
 - Mr. Prashant Kulkarni i/by Mr. Abhijit Desai for Petitioners in remaining Writ Petitions
 - Mr. C.D. Mali, AGP for the State
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 07, 2022

P.C.:

1. Heard Mr. Vijaymane, learned Advocate for Petitioners in Writ Petition Nos. 7779/2017 & 7793/2017; Mr. Bansode, learned Advocate for Petitioner in Writ Petition No. 7787/2017; Mr. Kulkarni, learned Advocate for Petitioners in remaining Writ Petitions and Mr. Mali, learned AGP for State.

2. On 23.11.2022, this Court passed the following order:-

. *Heard learned Advocates appearing for the respective parties for some time. Perused the record.*

2. *Mr. Kankal, learned AGP has placed on record copy of decision in the case of **Tirupati Magasvargiya Industrial Cooperative Societies Ltd. Shivnakwadi Vs. State of Maharashtra and Ors.**¹. He submitted that Petitioners herein are also similarly placed.*

3. *Prima facie, it appears that the subject Petitions are filed on the basis of apprehension that action will be initiated against Petitioners due to discrepancies in their respective audit reports. For the last 5 years, no steps have been taken or action initiated, inter alia, questioning the Petitioners with respect to any discrepancies which have been observed in their audit reports.*

4. *Be that as it may, provisions of Section 82 and other provisions of the MCS Act, 1960 provide an effective remedy to the Petitioners for seeking rectification of audit report in the event of any such discrepancy being found therein. It is further trite that if action is initiated, then principles of natural justice will have to be followed by the concerned Competent Authority.*

5. *Petitioners are therefore directed to consider the aforesaid decision of this Court and above observations and inform the Court on next date.*

6. *Stand over to **07th December, 2022** under the caption "For Orders".*

3. These petitions were substantively heard on 23.11.2022. In view of the decision of this Court in the case of Tirupati Magasvargiya Industrial Co-operative Societies Ltd, Shivnakwadi (supra), the cause

¹ Judgment dated 13.09.2017 passed in WP No.7909/2017 & companion petitions.

of action in the present petitions has not yet arisen. In the event, if any discrepancy is found in the audit report or rectification report submitted by the Societies, it is trite that the Statutory Authorities shall follow the principles of natural justice as also the statutory provisions under Sections 82 and 83 of the Maharashtra Co-operative Societies Act, 1960 and only after hearing the Petitioners, pass appropriate orders.

4. With the above directions, Writ Petitions are disposed.

[MILIND N. JADHAV, J.]

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