

VAISHALI
ANIL
TIKAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12457 OF 2022

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Shree Ganesh Sai SRA Coop.
Housing Society Ltd.

.....Petitioner

V/s.
Divisional Joint Registrar,
Cooperative Societies,
Mumbai and Ors.

....Respondents

Mr. Subhash G. Bane, Advocate for the Petitioner.
Mr. Ashwini Kumar Pathak, Advocate for the Intervenor
Ms. Purnima H. Kantharia for respondent No.2
Mr. P.V. Nelson, Ramjan, AGP for State

CORAM : SANDEEP K. SHINDE, J.
DATED : 20TH OCTOBER, 2022.

PC. :

1. On 28th May, 2017, 13 members, were elected as a members of managing committee, of the Petitioner Society, for the period 2017-18 to 2021-22. Eight committee members tendered their resignations before expiry of tenure of three years. This fact was brought to the notice of the Deputy Registrar. To verify this fact, he appointed Shri Uday Pingale, Authorized Officer. Mr. Pingale submitted a report to the Deputy Registrar on 17th August, 2021. Whereafter, the Deputy Registrar, after issuing show cause notice,

and in exercise of powers under Section 77A (1) (b-1) of the Maharashtra Cooperative Societies Act, appointed authorized officer, Mr. Tulshidas Sannake, to manage the affairs of the society till its elections are held. In appeal, Divisional Joint Registrar confirmed the order dated 4th August, 2022. Pending Appeal, Returning Officer came to be appointed to hold the election of the society.

2. Mr. Bane, learned counsel for the Petitioner, argued that three out of eight managing committee, members withdrew their resignations. As such, valid committee consisting of eight members being functional, and managing affairs, the said committee may be permitted to continue to manage the affairs of the society till elections are held. This very contention was rejected by the Revisional Authority.

3. In any case, tenure of the committee has come to an end in May, 2022. The Deputy Registrar, has exercised the power under Section 77A (1)(b-1) of the M.C.S. Act, after taking into consideration, the fact that on account of resignation by eight members, the vacuum was created in functioning the management of the society. As such, validity of withdrawal of resignation of

three members was not looked into by the Revisional Authority. Equally, this being a disputed question of fact, this Court in supervisory jurisdiction cannot decide, validity of withdrawal of resignation of the committee.

4. In consideration of the facts above, I do not see any reasons to interfere with the impugned order. Petition is dismissed.

(SANDEEP K. SHINDE, J.)