

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7287 OF 2022

Roshan Mahila Shetimal Co-operative (Agri.) Society Ltd., Through its Chairman & Ors.	...	Petitioners
<i>Versus</i>		
The State of Maharashtra & Ors.	...	Respondents

ALONGWITH
WRIT PETITION NO.7629 OF 2022

Samarth Bahuuddeshiy Co-operative Society Ltd. & Ors.	...	Petitioners
<i>Versus</i>		
The State of Maharashtra & Ors.	...	Respondents

Mr.Dhairyasheel Sutar Advocate for the Petitioners.
Mr.S.H. Kankal, AGP for Respondent–State.
Mr.Karan S. Thorat, Advocate for Respondent No.3.

**CORAM : NITIN JAMDAR AND
MANJUSHA DESHPANDE, JJ.**

DATE : 12 SEPTEMBER 2023.

P.C. :

Heard learned counsel for the parties.

2 The Petitioners which are Co-operative Societies have filed these Petitions for a direction to the Respondent–State of Maharashtra and Maharashtra Co-operative Development

Corporation Limited in respect of benefits under the scheme called “Atal Financial Assistance Scheme” (Scheme), formulated by the State of Maharashtra. This Scheme is formulated to empower the business of agricultural related societies to support rural development in the State of Maharashtra. The grievance of the Petitioners is that inspite of submitting proposal to the Respondents, no action was being taken.

3 When the Petition came up on Board on 30 August 2023, following order came to be passed:

“ *The Petitioners have sought the following prayer:*
(a) *This Hon’ble Court be pleased to call for relevant record and proceeding from the office of Respondents and after going through the legality, propriety and validity of the same, direct Respondent no. 2 and 3 to process the proposals of the Petitioners under Atal Financial Asst. Scheme as forwarded by letter dated 24.02.2020 by Respondent no. 4 and to take necessary further steps in terms of clause no. 3.6 in G.R. dated 02.01.2019 within time bound period.*

*2 The learned AGP for the State states that there has been progress in processing the proposal and seeks time to place the developments on record. At his request, stand over to **12 September 2023** under the caption “For Directions”.*

4 The learned AGP, on instructions, states that proposal of the Petitioners have been scrutinized by the State Government and having found the same in order, the same have been forwarded to the

Respondent–Maharashtra Co-operative Development Corporation on 22 November 2022. The learned AGP, on instructions, further states that necessary funds are also transferred to the Corporation.

5 Under the Scheme, “Atal Financial Assistance Scheme” through Government Resolution dated 2 January 2019 the proposal have to be submitted and processed under Clause 3.5 thereof. First it has to be examined by the District Level Committee and as per Clause 3.5.2, a State Level Committee is constituted headed by the Hon’ble Minister (Co-operation) and after the proposal is scrutinized, the same is forwarded to the Corporation and the steps to be taken thereafter are listed under Clause 3.6. Therefore, the proposal of the Petitioners is now pending at the stage of Clause 3.6 for more than a year. The Clauses of the Scheme post 3.6 to 3.9 now will have to be undertaken. The learned counsel for the Corporation accepts that the proposal has been received as above and states that the procedure under Clause 3.6 would be undertaken.

6 Learned counsel for the Respondent–Corporation states that the Scheme was for the period for the year 2020 and that there was a gap in implementation due to the situation brought above by Covid–2019. Thereafter, by Government Resolution dated 31 March 2023, the Scheme was continued from retrospective effect and is in continuation till date.

7 Considering the fact that the Scheme has been

established by the State of Maharashtra to promote rural development and give financial aid, it is necessary that the functioning of the Scheme should be commensurate with its object by showing expediency.

8 Now since the proposal is with the Corporation, we expect that the Respondent–Corporation would take necessary steps as per Clause 3.6 and further relevant Clauses of the Scheme within a period of three months from today.

9 We make it clear that the further process to be carried out by the Respondents–Corporation would be as per the Clauses of the Scheme and our directions for time bound disposal does not mean that we have dispensed with any of the requirements.

10 With these directions, Writ Petitions disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)