

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6413 OF 2023

Vishwanath Virabhadra Wagarale
and Ors.

....Petitioners

V/S

Central Registrar of Co-operative
Societies and anr.

....Respondents

...

Mr. Surel S. Shah a/w. Mr. Rahul Kasbekar i/by. Mr. Gaurav Nankar, Advocate
for the Petitioners.

Mr. Chandrakant Chavan, Advocate for Respondent no.1.

Mr. Chetan G. Patil a/w. Mr. Mandar B. Advocate for Respondent no.2.

Mr. B.V. Samant, AGP for State.

CORAM: DHIRAJ SINGH THAKUR, &
SANDEEP V. MARNE, JJ.

Date : 27 June 2023.

P.C.:

1. We have heard learned Counsel for the parties.
2. A liquidator came to be appointed by virtue of order dated 16 October 2017 passed by the Central Registrar, Co-operative Societies. The Liquidator was so appointed based upon the satisfaction recorded by the Central Registrar in terms of the provisions of the Multi-State Co-operative Societies Act, 2002 and in particularly Section 86(1) that the Society was not

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convening the Annual General Body meetings, (ii) that the statutory audit was not being conducted, and (iii) that the dues were not paid to the sugarcane growers for the last three years. It appears, as has been stated by the learned Counsel for the Petitioners that what was recorded in the order dated 16 October 2017 was not entirely correct and that the Society was running into profits. Counsel for the Petitioners, however states that an application has since been filed with the Central Registrar on 22 November 2022 invoking the powers which are inherently vested in the Central Registrar to revoke its order passed under Section 86(1). It is stated that, there was sufficient material available with the Petitioners which has been submitted alongwith the application filed by the Petitioners which would enable the Petitioner to run the affairs of the Society smoothly and convince the Central Registrar that the Society which is making profits ought not be handed over to the Liquidator. At this stage, Counsel for Respondent no.1 states that the application filed under Section 86(3) would be considered on its own merits and the decision would be taken not later than two months from today. In that view of the matter and based upon the assurance extended by the Counsel for Respondent no.1, we dispose off the matter. Accordingly, decision be taken within a period of two months from today. However in case any cause survives, it would be open for the Petitioners to approach this Court.

3. Respondent no.1 to also take a decision with regard to holding the elections to the Board of Directors of Respondent no.2-Society.

SANDEEP V. MARNE, J.

DHIRAJ SINGH THAKUR, J.