

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11960 OF 2018

Kurul Hanuman Vikas Karyakari Seva
Sahakari Sanstha Maryadit and Anr.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Abhijit Kulkarni i/b. D.D. & Abhijit Associates for petitioners.
Mr. A.I. Patel, AGP a/w. Mr. K.S. Thorat, AGP for respondent nos.1 to 6.
Mr. Dilip Bodake for respondent no.7.
Mr. Datta Pawar for respondent nos.8 and 9.

CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 21st APRIL 2023

PC. :

1 Petitioners have impugned an order dated 10th January 2018 passed by respondent no.6 appointing Interim Liquidator to respondent no.8. Respondent no.9 is the Interim Liquidator. Respondent no.6 has exercised its powers under Section 102 (1) (c) (iv) of the Maharashtra Co-operative Societies Act (MCS Act). A copy of the said order is annexed to the petition and it *prima facie* appears to be a reasoned order. Since an English translation has not been provided, we have not gone into the contents of the said order.

2 Mr. Kulkarni, relying upon a judgment of the Division Bench of this Court in *Chandrapur Zilla Sahakari Krushi and Gramin Bahuudeshiya Development Bank Ltd. V/s. State of Maharashtra and Ors.*¹, submitted that a hearing should have been given even before passing the interim order.

1. 2004 (1) ALL MR 266

There is an affidavit in reply filed by one Kundan Vasudeo Bhole affirmed on 4th October 2018 in which it has been averred that pre-interim show cause notice was issued by respondent no.6 to all members of respondent no.8 society and other interested parties on 16th October 2017 calling for claims and objections thereon. A copy of the pre-interim show cause notice is also annexed to the said affidavit.

3 Section 102 (2) of MCS Act provides that the Registrar would call for explanation from the society and give an opportunity to the society and creditors of the society of being heard before passing a final order vacating or confirming the interim order.

4 Mr. Patel states that such a communication has been issued. This is also confirmed by Mr. Pawar appearing for respondent nos.8 and 9. Mr. Kulkarni also confirms that such a communication has been issued. Mr. Patel states that parties have also responded to the communication. Mr. Kulkarni states that he has no instructions but if for any reason petitioners have not responded, petitioners will file their objections to the interim order passed under Section 102 (1) of MCS Act and those objections will be filed within two weeks from today. Statement accepted.

5 Respondent no.6 shall give a personal hearing to all parties concerned and pass a final order on or before 30th June 2023. The notice of personal hearing shall be communicated atleast five working days in advance. Should any of the parties wish to file written submissions

recording what had transpired during the personal hearing, they may do so within three working days of the conclusion of the personal hearing.

6 Petition disposed.

7 We clarify that we have not made any observation on the merits of the matter.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)