

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 11875 OF 2018.**

Kanayalal C. Mankani & Ors.

.. Petitioners

vs.

The Minister, Co-operative Department,  
Mantralaya & Ors.

.. Respondents

...

**Mr. Kishor Patil**, i/b. Amol P. Mhatre, for the Petitioners.

**Mr. Mayur Khandeparkar**, with Aditi Bhat, Munaf Virjee, &  
Rushabh Parekh, i/b. AVP Partners, for the Respondent No.5.

...

**CORAM: SANDEEP V. MARNE, J.**

**DATE : 31 AUGUST 2023.**

**P. C.:**

1. By this Petition, Petitioners challenge order dated 8th March, 2018 passed by the Hon'ble Minister rejecting Revision Application Nos. 543 of 2018 and 545 of 2018. Before the Hon'ble Minister, Petitioners had questioned order dated 11th June 2018 passed by the Divisional Joint Registrar rejecting Appeal Nos. 70 of 2018 & 71 of 2018 filed under the provisions of Section 152 of the Maharashtra Co-operative Societies Act, 1960 ("**the Act of 1960**"). In the said Appeals, Petitioners had challenged order dated 8th March 2018 passed by the Deputy Registrar of Co-operative Societies, H/ West Ward, Mumbai under the provisions of Section

78A (1) (b) of the Act of 1960 by which the Managing Committee of Members of the Society were expelled and disqualified for a period of 5 years from contesting election. Also challenged before the Divisional Joint Registrar was order dated 12th March 2018 passed by the Deputy Registrar under provisions of 77A (b) (1) appointing an administrator over the society.

2. I have heard Mr. Patil, the learned counsel appearing for the Petitioners. He would submit that the only ground for passing impugned order dated 8th March 2018 by the Deputy Registrar was failure on the part of the Petitioners to file M20 bonds within prescribed period from the date of election to the Managing Committee of the society. He would submit that letter dated 12th February 2013 submitted by the Society would indicate that the M20 bonds were indeed submitted by the elected members immediately after the elections were conducted. It was stated in the said letter that the M20 bonds were possibly misplaced in the office of the Deputy Registrar and therefore the copies of the said M20 Bonds were forwarded by letter dated 12th February 2013. He would submit that such M20 bonds were executed by the elected members in the month of June 2011 and immediately submitted to the office of the Deputy Registrar. He would therefore submit that very basis of passing the order dated 8th March 2018 by the

Deputy Registrar was completely unfounded. Alternatively, Mr. Patil would contend that the requirement of the submission of M20 bond was subsequently done away with in the year 2013 which would show that the requirement is at best directory in nature and not mandatory. He would therefore pray that the orders passed by the Deputy Registrar on 8th March 2018 be set aside and consequently the orders passed by the Divisional Joint Registrar and the Hon'ble Minister may also be set aside.

3. Mr. Khandeparkar, the learned counsel would appear on behalf of Respondent No.5 and would support the orders passed by the Deputy Registrar, Divisional Joint Registrar and the Hon'ble Minister. He would invite my attention to the copy of M20 bond allegedly executed by the elected members in the month of June 2011. He would then invite my attention to letter dated 21st June 2020 issued by the District Treasury Office, Thane, clarifying that the stamp paper on which the bond was executed was sold on 16th January 2012. He would therefore submit that the M20 bond could not have been executed in June 2011 as falsely suggested by Petitioners. He would pray for dismissal of the Petition.

4. I have gone through the order passed by the District Deputy Registrar. The ground on which the Petitioners are expelled

from Managing Committee and are disqualified from contesting election for a period of 5 years is their failure to submit M20 bond within the prescribed time limit. It is undisputed position that the elections to the society were conducted on 15th May 2011 and the Petitioners apparently assumed charge of the office on 24th May 2011. Under the provisions of Section 73(1) (a) (d) of the Act of 1960, M20 bonds were required to be submitted by the elected members within a period of 45 days. Although, this requirement was relaxed in the year 2013, there is no dispute to the position that in the year 2011, the elected members were under obligation to submit M20 bond within the period of 45 days.

5. I have gone through the letter submitted by the Society on 12th February 2013, in which it is claimed that the M20 bonds were submitted immediately after the election. The society alleged that the same were misplaced while shifting the office of Deputy Registrar from Bandra to Dadar. The society therefore supplied photocopies of M20 bond earlier submitted by the elected members. The photocopy of the said bond would indicate that the stamp paper bearing No. FE322328 was issued by the Treasury Office Kalyan on 14th June 2011 and sold by the concerned stamp vendor Mr. Saurabh S. Limaye on 24th June 2011.

6. However, letter dated 21<sup>st</sup> June 2013, issued by the District Treasury Office, Thane has confirmed the position that the stamp paper bearing serial No. FE322328 had actually been sold by the stamp vendor Shri Saurabh S. Limaye on 16th January 2022. It therefore appears that the M20 bonds could not have been executed or submitted by Petitioners or by the other elected members within 45 days of conduct of elections on 15th May 2011.

7. *Prima-facie*, therefore, it appears that the documents appended to the letter dated 12th February 2013 are forged. The finding to this effect had been recorded by the Deputy Registrar in the impugned order dated 8th March 2018 wherein he has held that the Petitioners have executed back dated documents with a view to create a picture as a M20 bonds were submitted by them within the prescribed period. Petitioners' ouster from Managing Committee cannot be faulted. Consequent appointment of Administrator would also not be illegal.

8. Considering the conduct of the Petitioners, this Court would not be inclined to exercise its jurisdiction under Article 227 of the Constitution of India for granting any relief in their favour.

9. The Writ Petition is accordingly dismissed with no order as to costs. Interim orders stand vacated.

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GANESH  
SUBHASH  
LOKHANDE  
Date:  
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**SANDEEP V. MARNE, J.**