

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1873 OF 2023

- 1] Salepur Seva Sahakari Society,
Reg. No.511, Through its
President, Mr. Ravindra Ajabrao
Patil, Aged 55 years, At Post
Salepur, Taluka-Achalpur,
District-Amravati.
- 2] Nizampur Seva Sahakari Society,
Reg. No.745, Through its
President, Mr. Manohar Dayaram
Rahate, Aged-59 years,
At Nizampur, Post-Bopapur,
Taluka-Achalpur,
District-Amravati.
- 3] Kandli Seva Sahakari Society,
Reg. No.697, Through its
President, Mr. Pramod Jaganathrao
Vasankar, Aged-60 years, At Post
Kandli, Taluka-Achalpur,
District-Amravati.
- 4] Borgaon-peth Seva Sahakari
Society, Reg. No.76, Through
its President, Mr. Girdhari Hiralal
Jaiswal, Aged-65 years,
At post-Borgaon-peth, Taluka-Achalpur,
District-Amravati.
- 5] Shindi Seva Sahakari Society,
Reg. No.497, Through its President,
Mr. Anil Ragunathrao Sangole,
Aged-50 years, At Post-Shindi,
Taluka-Achalpur, District-Amravati.

- 6] Vadnerbhujanga Seva Sahakari Society, Reg. No.1164, Through its President, Mr. Praful Himatrao Raut, Aged-59 years, At Post Vadnerbhujanga, Taluka-Achalpur, District-Amravati.
- 7] Khari Seva Sahakari Society, Reg. No.412, Through its President, Mrs. Archana Himatrao Dawange, Aged-50 years, At Post-Donada, Taluka-Achalpur, District-Amravati.
- 8] Bhugaon Seva Sahakari Society, Reg. No.389, Through its President, Mr. Anant Narhari Kadu, Aged-48 years, At Post Bhugaon, Taluka-Achalpur, District-Amravati.
- 9] Kushta Seva Sahakari Society, Reg. No.335, Through its President, Mr. Narendra Shivajirao Thakare, Aged-45 years, At Post Kushta, Taluka-Achalpur, District-Amravati.

.. Petitioners

.. Versus ..

1. The State of Maharashtra, Through Commissioner of Co-operative, Pune.
- 2] The District Deputy Registrar, Amravati.
- 3] The Assistant Registrar, Co-operative Societies, Taluka-Achalpur, District-Amravati.

.. Respondents

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Shri M.V. Samarth, Senior Advocate with Shri V.P. Ingle, Advocate for the petitioners,
Ms. N.P. Mehta, Assistant Government Pleader for the respondents.

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CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATED : 24.03.2023.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Learned Assistant Government Pleader waives notice for the respondents.

2. The challenge raised in this writ petition is to the Show Cause Notice issued to each petitioner-Cooperative Society under Section 102 (1)(c)(iv) of the Maharashtra Cooperative Societies Act, 1960. By the said notices, the petitioners have been called upon to show cause why each society should not be put in liquidation.

3. It is urged by the learned Senior Advocate for the petitioners that the Show Cause Notices have been issued ignoring the Circular dated 23.09.2013 issued by the Department of Cooperative Marketing and Textiles, whereby the modality of undertaking the process of reviving and strengthening the societies has been undertaken. It is urged that under the said Circular various steps are required to be first taken with regard to societies having Negative Net worth before proceeding to liquidate such societies. On the basis of extraneous considerations, the impugned show cause notices have been issued.

4. We find that under the Show Cause Notices, the societies were called upon to submit their say on 21.3.2023. It is submitted that such

replies have been submitted by the societies.

5. Our attention is invited to order dated 20.02.2023 passed in Writ Petition No.1135/2023 (Dattapur Seva Cooperative Society Limited, Dhamangaon Railway .vs. State of Maharashtra and others), wherein while permitting the statutory authority to adjudicate upon the show cause notice, protection for a period of two weeks from passing of an adverse order has been granted.

6. We are inclined to follow the similar course. Accordingly, the following order is passed :

ORDER

(i) It is open for the respondent no.3 to consider the reply given by each Cooperative Society to the impugned Show Cause Notice issued to them.

(ii) In case any order adverse to the societies is passed in view of the impugned show cause notice, the same shall not take effect for a period of two weeks from the date of passing of such order.

(iii) Keeping all contentions on merits open, the writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

JUDGE

JUDGE