

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

WRIT PETITION NO.2168 OF 2023

1. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Pahela, a registered Co-operative Societies bearing
registration No.754 through its President,
R/o At and post Pahela, Tahsil & District Bhandara.
2. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Nimgoan, registered Co-operative Societies bearing
registration No.729 through its President,
R/o At and post Nimgoan, Tahsil & District Bhandara.
3. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Indurkha, a registered Co-operative Societies
bearing registration No.774, through its President,
R/o At and post Indurkha, Tahsil & District Bhandara.
4. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Bela, a registered Co-operative Societies bearing
registration No.8, through its President,
R/o At and post Bela, Tahsil & District Bhandara.
5. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Koka, a registered Co-operative Societies
bearing registration No.553, through its President,
R/o At and post Koka, Tahsil & District Bhandara.
6. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Chandori, a registered Co-operative Societies
bearing registration No.751, through its President,
R/o At and post Chandori, Tahsil & District Bhandara.

7. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Davadipar, a registered Co-operative Societies bearing registration No.610, through its President, R/o At and post Davadipar, Tahsil & District Bhandara.
8. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Matora, a registered Co-operative Societies bearing registration No.864, through its President, R/o At and post Matora, Tahsil & District Bhandara.
9. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Bhilewada, a registered Co-operative Societies bearing registration No.881, through its President, R/o At and post Bhilewada, Tahsil & District Bhandara.
10. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Kharachkheda, a registered Co-operative Societies bearing registration No.736, through its President, R/o At and post Kharachkheda, Tahsil & District Bhandara.
11. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Usaragondi, a registered Co-operative Societies bearing registration No.495, through its President, R/o At and post Usaragondi, Tahsil & District Bhandara.
12. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Pindkepar, a registered Co-operative Societies bearing registration No.739, through its President, R/o At and post Pindkepar, Tahsil & District Bhandara.

13. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Ganeshpur, a registered Co-operative Societies bearing registration No.758, through its President, R/o At and post Ganeshpur, Tahsil & District Bhandara.
14. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Saleburdi, a registered Co-operative Societies bearing registration No.731, through its President, R/o At and post Saleburdi, Tahsil & District Bhandara.
15. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Kardha, a registered Co-operative Societies bearing registration No.765, through its President, R/o At and post Kardha, Tahsil & District Bhandara.
16. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Jarav, a registered Co-operative Societies bearing registration No.757, through its President, R/o At and post Jarav, Tahsil & District Bhandara.
17. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Kawadsi, a registered Co-operative Societies bearing registration No.875, through its President, R/o At and post Kawadsi, Tahsil & District Bhandara.
18. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Khamari, a registered Co-operative Societies bearing registration No.249, through its President, R/o At and post Khamari, Tahsil Mohadi & District Bhandara.
19. Vividh Karyakari Seva Sahakari Sanstha Maryadit,

Betala, a registered Co-operative Societies
bearing registration No.54, through its President,
R/o At and post Betala, Tahsil Mohadi & District Bhandara.

20. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Neri, a registered Co-operative Societies bearing
registration No.39, through its President,
R/o At and post Neri, Tahsil Mohadi & District Bhandara.
21. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Sakarla a registered Co-operative Societies
bearing registration No.894, through its President,
R/o At and post Sakarla, Tahsil Mohadi & District Bhandara.
22. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Mohadi, a registered Co-operative Societies
bearing registration No.740, through its President,
R/o At and post Mohadi, Tahsil Mohadi & District Bhandara.
23. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Mundhri, a registered Co-operative Societies
bearing registration No.870, through its President,
R/o At and post Mundhri, Tahsil Mohadi & District Bhandara.
24. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Kardi, a registered Co-operative Societies
bearing registration No.764, through its President,
R/o At and post Kardi, Tahsil Mohadi & District Bhandara.
25. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Kanhargoan, a registered Co-operative Societies
bearing registration No.871, through its President,

R/o At and post Kanhalgoan, Tahsil Mohadi &
District Bhandara.

26. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Saleburdi, a registered Co-operative Societies
bearing registration No.1015, through its President,
R/o At and post Saleburdi, Tahsil Mohadi & District Bhandara.
27. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Shivani, a registered Co-operative Societies
bearing registration No.892, through its President,
R/o At and post Shivani, Tahsil Mohadi & District Bhandara.
28. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Mahalgoan, a registered Co-operative Societies
bearing registration No.858, through its President,
R/o At and post Mahalgoan, Tahsil Mohadi & District Bhandara.
29. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Devhada, a registered Co-operative Societies
bearing registration No.1067, through its President,
R/o At and post Devhada, Tahsil Mohadi & District Bhandara.
30. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Dhop, a registered Co-operative Societies
bearing registration No.290, through its President,
R/o At and post Dhop, Tahsil Mohadi & District Bhandara.
31. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
jamb, a registered Co-operative Societies
bearing registration No.884, through its President,
R/o At and post Jamb, Tahsil Mohadi & District Bhandara.

32. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Andhalgoan, a registered Co-operative Societies
bearing registration No.669, through its President,
R/o At and post Aandhalgoan, Tahsil Mohadi & District Bhandara.
33. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Kandri, a registered Co-operative Societies
bearing registration No.735, through its President,
R/o At and post Kandri, Tahsil Mohadi & District Bhandara.
34. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Sukali, a registered Co-operative Societies
bearing registration No.923, through its President,
R/o At and post Sukali, Tahsil Sakoli & District Bhandara.
35. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Gudhari, a registered Co-operative Societies
bearing registration No.293, through its President,
R/o At and post Gudhari, Tahsil Sakoli & District Bhandara.
36. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Bamhani, a registered Co-operative Societies
bearing registration No.531, through its President,
R/o At and post Bamhani, Tahsil Sakoli & District Bhandara.
37. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Rengepar, a registered Co-operative Societies
bearing registration No.942, through its President,
R/o At and post Rengepar, Tahsil Sakoli & District Bhandara.
38. Vividh Karyakari Seva Sahakari Sanstha Maryadit,

Gadegoan, a registered Co-operative Societies
bearing registration No.948, through its President,
R/o At and post Gadegoan, Tahsil Lakhani & District Bhandara.

39. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Manegoan, a registered Co-operative Societies
bearing registration No.913, through its President,
R/o At and post Manegoan, Tahsil Lakhani & District Bhandara.
40. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Kaneri, a registered Co-operative Societies
bearing registration No.914, through its President,
R/o At and post Kaneri, Tahsil Lakhani & District Bhandara.
41. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Sawari, a registered Co-operative Societies
bearing registration No.379, through its President,
R/o At and post Sawari, Tahsil Lakhani & District Bhandara.
42. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Khedepar, a registered Co-operative Societies
bearing registration No.938, through its President,
R/o At and post Khedepar, Tahsil Lakhani & District Bhandara.
43. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Ghodezari, a registered Co-operative Societies
bearing registration No.1359, through its President,
R/o At and post Ghodezari, Tahsil Lakhani & District Bhandara.
44. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Ranera, a registered Co-operative Societies
bearing registration No.273, through its President,

R/o At and post Ranera, Tahsil Tumsar & District Bhandara.

45. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Sihora, a registered Co-operative Societies
bearing registration No.45, through its President,
R/o At and post Sihora, Tahsil Tumsar & District Bhandara.
46. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Kanhargoan, a registered Co-operative Societies
bearing registration No.1045, through its President,
R/o At and post Kanhargoan, Tahsil Paoni & District Bhandara.
47. Vividh Karyakari Seva Sahakari Sanstha Maryadit,
Katkhedha, a registered Co-operative Societies
bearing registration No.1089, through its President,
R/o At and post Katkheda, Tahsil Paoni & District Bhandara.

.. Petitioners

.. Versus..

1. State of Maharashtra through its
Secretary, Department Cooperation,
Marketing and Textiles, Mantralaya,
Mumbai-32
2. Commissioner of Co-operation,
State of Maharashtra, Pune,
Central Building, Pune.
3. District Registrar, Co-operative Societies,
Bhandara, Tahsil & District Bhandara.

4. Assistant Registrar Co-operative Societies,
Bhandara, Tahsil & District Bhandara.
5. Assistant Registrar Co-operative Societies,
Mohadi, Tahsil Mohadi District Bhandara.
6. Assistant Registrar Co-operative Societies,
Sakoli, Tahsil Sakoli, District Bhandara.
7. Assistant Registrar Co-operative Societies,
Lakhani, Tahsil Lakhani, District Bhandara.
8. Assistant Registrar Co-operative Societies,
Tumsar, Tahsil Tumsar, District Bhandara.
9. Assistant Registrar Co-operative Societies,
Paoni, Tahsil Paoni, District Bhandara. .. Respondents

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Shri A.M. Ghare with Shri O.A. Ghare, Advocates 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 : 03.04.2023.

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) 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 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 within 15 days of the show cause notice dated 9/10-03-2023. It is submitted that replies would be filed 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 to be 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.

(M.W. Chandwani, J.)

(A.S. Chandurkar, J.)

Gulande