

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

WRIT PETITION NO.2166 OF 2023

1. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Loni, a registered
Co-operative Societies bearing registration
No.378 through its President,
R/o At and post Loni, Tahsil Arni,
District Yeovatmal.
2. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Pimpalgoan (Kale),
a registered Co-operative Societies
bearing registration No.451, through its
President, R/o At and post Pimpalgoan (Kale),
Tahsil Ner & District Yeovatmal.
3. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, LingiSaykheda,
a registered Co-operative Societies
bearing registration No. 404, through its
President, R/o At and post LingiSaykheda,
Tahsil Arni, District Yeovatmal.
4. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Taroda, a registered
Co-operative Societies bearing registration
No.173 through its President,
R/o At and post Taroda, Tahsil Arni,
District Yeovatmal.
5. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Kawatha Bazar,
a registered Co-operative Societies
bearing registration No. 442, through its
President, R/o At and post Kawatha Bazar,
Tahsil Arni, District Yeovatmal.
6. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Dabhadi, a registered

- Co-operative Societies bearing registration
No. 400, through its President,
R/o At and post Dabhadi, Tahsil Arni,
District Yeovatmal.
7. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Sukali, a registered
Co-operative Societies bearing registration
No.440, through its President,
R/o At and post Sukali, Tahsil Arni,
District Yeovatmal.
 8. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Satara, a registered
Co-operative Societies bearing registration
No.165, through its President,
R/o At and post Satara, Tahsil Arni,
District Yeovatmal.
 9. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Malegoan, a registered
Co-operative Societies bearing registration
No.998, through its President,
R/o At and post Malegoan, Tahsil Arni,
District Yeovatmal.
 10. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Pahur, a registered
Co-operative Societies bearing registration
No.74, through its President,
R/o At and post Pahur, Tahsil & District Yeovatmal.
 11. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Mhasola, a registered
Co-operative Societies bearing registration
No.100, through its President, R/o At and
post Mhasola, Tahsil & District Yeovatmal.
 12. Gram VividhKaryakari Seva Sahakari
Sanstha Maryadit, Khed Akola, a registered
Co-operative Societies bearing registration
No.179, through its President, R/o At and
post Khed Akola, Tahsil & District Yeovatmal.

13. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Kopra, a registered Co-operative Societies bearing registration No.613, through its President, R/o At and post Kopra, Tahsil & District Yeovatmal.
14. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Assara, a registered Co-operative Societies bearing registration No.523, through its President, R/o At and post Aasara, Tahsil & District Yeovatmal.
15. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Kurha, a registered Co-operative Societies bearing registration No.399, through its President, R/o At and post Kurha, Tahsil & District Yeovatmal.
16. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Bhamraja, a registered Co-operative Societies bearing registration No.244, through its President, R/o At and post BhamRaja, Tahsil & District Yeovatmal.
17. Arli Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Arli, a registered Co-operative Societies bearing registration No.984, through its President, R/o At and post Arli, Tahsil Kelapur & District Yeovatmal.
18. Patanbori Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Patanbori, a registered Co-operative Societies bearing registration No.981, through its President, R/o At and post Patanbori, Tahsil Kelapur, District Yeovatmal.
19. Babasaheb Deshmukh Parvekar VividhKaryakari Seva Sahakari Sanstha Maryadit, Saykheda, a registered Co-operative Societies bearing registration No.687, through its President, R/o Saykheda, Tahsil Kelapur, District Yeovatmal.

20. Belori Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Belori, a registered Co-operative Societies bearing registration No.1040, through its President, R/o At and post Belori, Tahsil Kelapur, District Yeovatmal.
21. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Murdhoni, a registered Co-operative Societies bearing registration No.204, through its President, R/o At and post Murdhoni, Tahsil Wani & District Yeovatmal.
22. Gram VividhKaryakari Seva Sahakari a registered Co-operative Societies bearing registration No.240, Sanstha Maryadit, Lalguda, through its President, R/o At and post Lalguda, Tahsil Wani & District Yeovatmal.
23. Lakh (Ra) Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Lakh (Ra), a registered Co-operative Societies bearing registration No.382, through its President, R/o At and post Lakh (Ra), Tahsil Digras & District Yeovatmal.
24. Amla Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Amla, a registered Co-operative Societies bearing registration No.375, through its President, R/o At and post Amala, Tahsil Digras & District Yeovatmal.
25. Kandali Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Kandali, a registered Co-operative Societies bearing registration No.954, through President, R/o At and post Kandali, Tahsil Digras & District Yeovatmal.
26. Vithala Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Vithala,

- a registered Co-operative Societies bearing registration No.953, through its President, R/o At and post Vithala, Tahsil Digras & District Yeovatmal.
27. Mahagoan Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Mahagoan, a registered Co-operative Societies bearing registration No.180, through its President, R/o At and post Mahagoan, Tahsil Digras & District Yeovatmal.
28. Aarambhi Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, a registered Co-operative Societies bearing registration No.305, Aarambhi, through its President, R/o At and post Aarambhi, Tahsil Digras & District Yeovatmal.
29. Digras Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Digras, a registered Co-operative Societies bearing registration No.409, through its President, R/o At and post Digras, Tahsil Digras & District Yeovatmal.
30. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Aapti, a registered Co-operative Societies bearing registration No.798, through its President, R/o At and post Aapti, Tahsil Ralegaon & District Yeovatmal.
31. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Darwha, a registered Co-operative Societies bearing registration No.118, through its President, R/o At and Darwha, Tahsil Darwha & District Yeovatmal.
32. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Ramgoan Rameshwar, a registered Co-operative Societies bearing registration No.761, through its President, R/o At and post Rameshwar, Tahsil Darwha

& District Yeovatmal.

33. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, KumbharKinhi, a registered Co-operative Societies bearing registration No.160, through its President, R/o At and post KumbharKinhi, Tahsil Darwha & District Yeovatmal.
34. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, khopadi (Bk), a registered Co-operative Societies bearing registration No.176, through its President, R/o At and post Khopadi,(bk) Tahsil Darwha & District Yeovatmal.
35. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Nandgavhan, a registered Co-operative Societies bearing registration No.159, through its President, R/o At and post Nandgavhan, Tahsil Darwha & District Yeovatmal.
36. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Haru, a registered Co-operative Societies bearing registration No.152, through its President, R/o At and post Haru, Tahsil Darwha & District Yeovatmal.
37. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Bothgavhan, a registered Co-operative Societies bearing registration No.112, through its President, R/o At and post Bothgavhan, Tahsil Darwha & District Yeovatmal.
38. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, ChikhaliBhandegoan, a registered Co-operative Societies bearing registration No.150, through its President, R/o At and post ChikhaliBhandegoan, Tahsil Darwha & District Yeovatmal.
39. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Shendri, a registered Co-operative Societies bearing registration No.320, through its President, R/o At and post Shendri,

Tahsil Darwha & District Yeovatmal.

40. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Saykhed, a registered Co-operative Societies bearing registration No.130, through its President, R/o At and post Saykhed, Tahsil Darwha & District Yeovatmal.
41. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Naygoan, a registered Co-operative Societies bearing registration No.773, through its President, R/o At and post Naygoan, Tahsil Darwha & District Yeovatmal.
42. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Ghanapur, a registered Co-operative Societies bearing registration No.268, through its President, R/o At and post Ghanapur, Tahsil Darwha & District Yeovatmal.
43. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Dolhari, a registered Co-operative Societies bearing registration No.210, through its President, R/o At and post Dolhari, Tahsil Darwha & District Yeovatmal.
44. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Tarnoli, a registered Co-operative Societies bearing registration No.357, through its President, R/o At and post Tarnoli, Tahsil Darwha & District Yeovatmal.
45. Vividh Karyakari Seva Sahakari Sanstha Maryadit, Sasani, a registered Co-operative Societies bearing registration No.113, through its President, R/o At and post Sasani, Tahsil Ghatanji & District Yeovatmal.
46. VividhKaryakari Seva Sahakari Sanstha Maryadit, Sayatkharda, a registered Co-operative Societies bearing registration No.188, through its President, R/o At and post Sayatkharda, Tahsil Ghatanji & District Yeovatmal.

47. VividhKaryakari Seva Sahakari Sanstha Maryadit, Shivni, a registered Co-operative Societies bearing registration No.990, through its President, R/o At and post Shivni, Tahsil Ghatanji & District Yeovatmal.
48. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Bopapur, through its President, R/o At and post Bopapur, Tahsil Zari Zamani & District Yeovatmal.
49. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Zadgoan, a registered Co-operative Societies bearing registration No.62, through its President, R/o At and post Zadgoan, Tahsil Ralegaon & District Yeovatmal.
50. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Sheli a registered Co-operative Societies bearing registration No.591, through its President, R/o At and post Sheli, Tahsil Ralegaon & District Yeovatmal.
51. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Saoner, a registered Co-operative Societies bearing registration No.315, through its President, R/o At and post Saoner Tahsil Ralegaon & District Yeovatmal.
52. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Wadhona Bazar, a registered Co-operative Societies bearing registration No.969, through its President, R/o At and post Wadhona Bazar, Tahsil Ralegaon & District Yeovatmal.
53. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Chahand a registered Co-operative Societies bearing registration No.655, through its President, R/o At and post Chahand, Tahsil Ralegaon & District Yeovatmal.
54. Gram VividhKaryakari Seva Sahakari Sanstha

Maryadit, Pimpalkhuti, a registered Co-operative Societies bearing registration No.937, through its President, R/o At and post Pimpalkhuti, Tahsil Ralegaon & District Yeovatmal.

55. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Aashtona, a registered Co-operative Societies bearing registration No.575, through its President, R/o At and post Aashtona, Tahsil Ralegaon & District Yeovatmal.
56. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Wadaki, a registered Co-operative Societies bearing registration No.981, through its President, R/o At and post Wadaki, Tahsil Ralegaon & District Yeovatmal.
57. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Bangoan, a registered Co-operative Societies bearing registration No.652, through its President, R/o At and post Bangoan, Tahsil Ner & District Yeovatmal.
58. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Takali (S), a registered Co-operative Societies bearing registration No.716, through its President, R/o At and post Takali (s), Tahsil Ner & District Yeovatmal.
59. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Loni, a registered Co-operative Societies bearing registration No.960, through its President, R/o At and post Loni, Tahsil Ner & District Yeovatmal.
60. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Chikhali (k), a registered Co-operative Societies bearing registration No.344, through its President, R/o At and post Chikhali (ka), Tahsil Ner & District Yeovatmal.
61. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Watphali, a registered Co-operative

Societies bearing registration No.568, through its President, R/o At and post Watphali, Tahsil Ner & District Yeovatmal.

62. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Malkhed (Kh), a registered Co-operative Societies bearing registration No.463, through its President, R/o At and post Malkhed (Kh), Tahsil Ner & District Yeovatmal.
63. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Dhanaj (Ma), a registered Co-operative Societies bearing registration No.104, through its President, R/o At and post Dhanaj (Ma), Tahsil Ner & District Yeovatmal.
64. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Sindkhed, a registered Co-operative Societies bearing registration No.820, through its President, R/o At and post Sindkhed, Tahsil Ner & District Yeovatmal.
65. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Ner, a registered Co-operative Societies bearing registration No.403, through its President, R/o At and post Ner, Tahsil Ner & District Yeovatmal.
66. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Uttar Wadhona, through its President, R/o At and post Uttar Wadhona, Tahsil Ner & District Yeovatmal.
67. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Pimpalgoan (Dubba), a registered Co-operative Societies bearing registration No.824, through its President, R/o At and post Pimpalgoan (Dubba), Tahsil Ner & District Yeovatmal.
68. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Kolura, a registered Co-operative Societies bearing registration No.101, through

its President, R/o At and post Kolura,
Tahsil Ner & District Yeovatmal.

69. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Ratnapur, a registered Co-operative Societies bearing registration No.713, through its President, R/o At and post Ratnapur, Tahsil Ner & District Yeovatmal.
70. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Mozar, a registered Co-operative Societies bearing registration No.102, through its President, R/o At and post Mozar, Tahsil Ner & District Yeovatmal.
71. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Murdhoni, a registered Co-operative Societies bearing registration No.204, through its President, R/o At and post Murdhoni, Tahsil Wani & District Yeovatmal.
72. Gram VividhKaryakari Seva Sahakari Sanstha Maryadit, Lalguda, a registered Co-operative Societies bearing registration No.240, through its President, R/o At and post Lalguda, Tahsil Wani & District Yeovatmal. ..

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, Yeovatmal, Tahsil & District Yeovatmal.
4. Assistant Registrar Co-operative Societies, Arni, Tahsil Arni, District Yeovatmal.

5. Assistant Registrar Co-operative Societies, Darwaha, Tahsil Darwaha, District Yeovatmal.
6. Assistant Registrar Co-operative Societies, Ralegoan, Tahsil Ralegoan, District Yeovatmal.
7. Assistant Registrar Co-operative Societies, Digras, Tahsil Digras, District Yeovatmal.
8. Assistant Registrar Co-operative Societies, Ghatanji, Tahsil Ghatanji, District Yeovatmal.
9. Assistant Registrar Co-operative Societies, Pandharkawada, Tahsil Pandharkawada, District Yeovatmal.
10. Assistant Registrar Co-operative Societies, Yeovatmal, Tahsil & District Yeovatmal.
11. Assistant Registrar Co-operative Societies, Zari Zamani, Tahsil Zari Zamni, District Yeovatmal.
12. Assistant Registrar Co-operative Societies, Wani, Tahsil Wani, District Yeovatmal. .. Respondents

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 Shri A.M. Ghare, Advocate with Shri O.A. Ghare, 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 : 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 notices. 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.

(M.W. Chandwani, J.)

(A.S. Chandurkar, J.)

Gulande