

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

WRIT PETITION NO.2077 OF 2023

- 1] Gramseva Sahakari Sanstha,
Pimprala, Reg. No.446, Through
its President Shri Subhash Laxmanrao
Pesode, Aged 52 years,
Occ-Agriculturist,
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 2] Gramseva Seva Sahakari Sanstha
Gondhanapur, Reg. No.852,
Through its President Shri Pramod
Shridharrao Deshmukh,
Aged : 42 years, Occp. : Agriculturist,
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 3] Gramseva Seva Sahakari Sanstha
Amsari, Reg. No.118,
Through its President Shri Shravan
Shriram Kute,
Aged : 46 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 4] Gramseva Seva Sahakari Sanstha
Jaypur Reg. No.1230,
Through its President Shri
Pratapsingh Mansingh Pawar
Aged : 51 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 5] Gramseva Seva Sahakari Sanstha
Ambetakali, Reg. No.1293,
Through its President Shri

Bhanudas Motiram Bhad
Aged : 45 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

6] Gramseva Seva Sahakari Sanstha
Palshi, Reg. No.1116,
Through its President Shri Gopalrao
Bhaskarrao Chavan,
Aged:54 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

7] Gramseva Seva Sahakari Sanstha
Lokhanwada, Reg. No. 971,
Through its President Shri
Shivajirao Tryambakrao Pandhare,
Aged : 50 years, Occp.: Agriculturist,
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

8] Gramseva Seva Sahakari Sanstha
Bhandari, Reg. No.467,
Through its President Shri Pralhad
Shankar Chopde
Aged : 43 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

9] Gramseva Seva Sahakari Sanstha
Poraj, Reg. No.355,
Through its President Shri Sanjay
Motiram Dabhade,
Aged : 52 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

10] Gramseva Seva Sahakari Sanstha
Kalegaon, Reg. No.948,
Through its President Shri Jitendra
Suratsingh Ingle
Aged : 57 years, Occp.: Agriculturist,
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

- 11] Gramseva Seva Sahakari Sanstha
Awar, Reg. No. 477,
Through its President Shri
Dnyandeo Punjaji Vaitkar
Aged : 53 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 12] Gramseva Seva Sahakari Sanstha
Nagapur, Reg. No.1249,
Through its President Shri Bhijaji,
Shankar Dhanore
Aged : 48 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 13] Gramseva Seva Sahakari Sanstha
Akoli, Reg. No.482,
Through its President Shri Dilip
Wamanrao Mujumale
Aged : 42 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 14] Gramseva Seva Sahakari Sanstha
Hingana Karegaon, Reg. No.1109,
Through its President Shri Shivaji
Umarsingh Chavan,
Aged : 50 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.
- 15] Gramseva Seva Sahakari Sanstha
Sutala, Reg. No.1240,
Through its President Shri
Shankarrao Kashiram Wankhade,
Aged:48 years, Occp.: Agriculturist
R/o. Khamgaon, Tah. Khamgaom
Distt. Buldana.

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Petitioners.. Versus ..

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

.. Respondents

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Shri U.J. Deshpande, 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 : 30.03.2023.

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) (ii) and (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 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 13.03.2023. 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

Gulande