



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5623 OF 2023

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| <ol style="list-style-type: none">1. Vividh Karyakari Seva Sahakari Society Ltd., Bangaon having Reg. No.974 through its President Tq. Amgaon Dist. Gondia.2. Vividh Karyakari Seva Sahakari Society Ltd., Birsi having Reg. No.63 through its President Tq. Amgaon Dist. Gondia.3. Vividh Karyakari Seva Sahakari Society Ltd., Bothali having Reg. No.326 through its President Tq. Amgaon Dist. Gondia.4. Vividh Karyakari Seva Sahakari Society Ltd., Chirchalbandh having Reg. No.976 through its President Tq. Amgaon Dist. Gondia.5. Vividh Karyakari Seva Sahakari Society Ltd., Nangpura having Reg. No.331 through its President Tq. Amgaon Dist. Gondia.6. Vividh Karyakari Seva Sahakari Society Ltd., Kindagipar having Reg. No.133 through its President Tq. Amgaon Dist. Gondia.7. Vividh Karyakari Seva Sahakari Society Ltd., Goratha having Reg. No.115 through its President Tq. Amgaon Dist. Gondia.8. Vividh Karyakari Seva Sahakari Society Ltd., Wadad having Reg. No.508 through its President Tq. Amgaon Dist. Gondia.9. Vividh Karyakari Seva Sahakari Society Ltd., Kavadi having Reg. No.271 through its President Tq. Amgaon Dist. Gondia. | Petitioners |
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10. Vividh Karyakari Seva Sahakari Society Ltd., Padampur having Reg. No.374 through its President Tq. Amgaon Dist. Gondia.
11. Vividh Karyakari Seva Sahakari Society Ltd., Bamhani having Reg. No.281 through its President Tq. Amgaon Dist. Gondia.
12. Vividh Karyakari Seva Sahakari Society Ltd., Borkanhar having Reg. No.260 through its President Tq. Amgaon Dist. Gondia.
13. Vividh Karyakari Seva Sahakari Society Ltd., Pipartola having Reg. No.1105 through its President Tq. Amgaon Dist. Gondia.
14. Vividh Karyakari Seva Sahakari Society Ltd., Anjora having Reg. No.228 through its President Tq. Amgaon Dist. Gondia.
15. Vividh Karyakari Seva Sahakari Society Ltd., Karanji having Reg. No.1130 through its President Tq. Amgaon Dist. Gondia.
16. ~~Vividh Karyakari Seva Sahakari Society Ltd., Mundikota having Reg. No.567 through its President Tq. Amgaon Dist. Gondia.~~
17. Vividh Karyakari Seva Sahakari Society Ltd., Risama having Reg. No.260 through its President Tq. Amgaon Dist. Gondia.
18. Vividh Karyakari Seva Sahakari Society Ltd., Darbada having Reg. No.1049 through its President Tq. Salekasa Dist. Gondia.
19. Vividh Karyakari Seva Sahakari Society Ltd., Pipartola having Reg. No.265

Deleted.

through its President Tq. Salekasa Dist. Gondia.

20. Vividh Karyakari Seva Sahakari Society Ltd., Dhanoli having Reg. No.699 through its President Tq. Salekasa Dist. Gondia.
21. Vividh Karyakari Seva Sahakari Society Ltd., Amgaon Khurd having Reg. No.1026 through its President Tq. Salekasa Dist. Gondia.
22. Vividh Karyakari Seva Sahakari Society Ltd., Bhajepar having Reg. No.1356 through its President Tq. Salekasa Dist. Gondia.

Petitioners

-Versus-

1. State of Maharashtra, through its Secretary, Department Cooperation, Marketing and Textiles, Mantralaya, Mumbai-32.
2. Commissioner of Cooperation, State of Maharashtra, Pune, Central Building, Pune.
3. District Registrar, Cooperative Societies, Gondia, Tahsil & District Gondia.
4. Assistant Registrar Cooperative Societies, Amgaon, Tahsil Amgaon, District Gondia.
5. Assistant Registrar, Cooperative Societies, Amgaon, Tahsil Salekasa, Dist. Gondia.

Respondents

Mr. A.M.Ghare, counsel for the petitioners.
Ms N. P. Mehta, AGP for the respondents.

**CORAM : A.S.CHANDURKAR AND
MRS.VRUSHALI V.JOSHI, JJ.**

DATE : 30TH AUGUST, 2023

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

On the motion moved by the learned counsel appearing for the petitioners, name of petitioner No.16 is permitted to be deleted.

2. **Rule.** Rule made returnable forthwith. Learned Assistant Government Pleader waives service of notice for final hearing. The petition is heard finally with the consent of the learned counsel for the parties.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

(VRUSHALI V. JOSHI, J)

(A.S.CHANDURKAR, J)