



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

WRIT PETITION NO. 5862 OF 2023

1. Utkarsh Seva Sahakari Society Ltd.Regd.No.1012 through its President Nitin Vasant Rao Korde, Age 59 years, Occup. Agriculturist R/o. Karajgaon, Tq. Chandur Bazar, Dist.Amravati.
2. Utkarsh Seva Sahakari Society Ltd.Regd. No.1012 through its Secretary Kuldip Sudhakar Kandalkar Age 34 years, Occup. Agriculturist R/o.Karajagon, Tq.Chandur Bazar, Dist.Amravati.

Petitioners

-Versus-

1. Commissioner for Cooperation, and Registrar, Co-operative Society Maharashtra State, Pune (Maharashtra)
2. District Deputy Registrar, Cooperative Society, Amravati, Tq.Dist.Amravati.
3. Assistant Registrar Cooperative Society, Chandur Bazar, Tq.Chandur Bazar, Dist.Amravati.

Respondents

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

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

DATE : 5th September, 2023

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

Not on board. Taken on board.

2. Heard. **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)