



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

WRIT PETITION NO. 7288 OF 2023

1. Jalka Jagtap Seva Sahakari Society Ltd.
Regd. No.652 through its President Pradip
Ramrao Jagtap
Age – 55, Occu : Agriculturist R/o Jalka
Jagtap, Tq. Chandur Rly, Dist. Amravati
2. Jalka Jagtap Seva Sahakari Society Ltd.
Regd.No.760 through its Secretary Aakash
Prakash Aasole
Age – 27, Occu : Agriculturist R/o Jalka
Jagtap, Tq. Chandur Rly, Dist. Amravati

Petitioners

-Versus-

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

Respondents

Mr N. A. Gawande, Advocate for the Petitioners.
Ms D. V. Sapkal, AGP for the Respondents.

**CORAM : A. S. CHANDURKAR AND
ABHAY J. MANTRI, JJ.**

DATE : 27th OCTOBER, 2023

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

1. **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.

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 counsel 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 replies would be filed by all 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.

(ABHAY J. MANTRI, J)

(A. S. CHANDURKAR, J)