



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CONTEMPT PETITION NO.523 OF 2024
IN
WRIT PETITION NO.14305 OF 2019**

Yogesh s/o Rajendra Badge,
Age- 26 yrs., Occu.-Milk Business,
R/o-Dahigaon, Post -Shirdhon,
Tq. & Dist.- Ahmednagar.

..Petitioner

Versus

1. Sunil Balkrishna Puranik
The Chief Executive Offtcer,
Ahmednagar Merchants Co-operative
Ban Ltd., Ahmednagar,
Market Yard, Station Road, Ahmednagar.

The Board of Direetors of
Ahmednagar Merchants Co-operative
Ban Ltd., Ahmcdnagar,
2. Hastimal Chandmal Munot,
Chairman
R/o-Chahul Bunglow, Keshargulab
Compound, Ahmednagar
3. Amit Vijaykumar Mutha,
Viee-Chairman,
R/o-Doetors Colony, Burudgaon Road, ,Ahmednagar.
4. Anil Hiralal Pokharna,
Director,
R/o- Shrifal Eunglow, Sattha Colony,
Station Road, Ahmednagar.
5. Anandram Chandmal Munot,
Director
R/o-Sattha Colony, Station road,
Ahmednagar
6. Sanjay Phoolehand ChoPda,
Director,
R/o- Behind Ajay Gas, Maniknagar,
Ahmednagar.

7. Mohanlai Sampatlal Barmech,
Director,
R/o-Tirthankar Vihar, Burudgaon
Road, Ahmednagar.
8. Kishorelal Shantilal Gandhi,
Director,
R/o- Shantiniketan, Sattha Colony,
Station Road, Ahmednagar.
9. Sanj aykumar Shantilal Bora,
Director,
R/o-Plot No. 19/24, Tapashcharya
Bungalow, Tirthankar Vihar, Burudgaon
Road, Ahmednagar.
10. Ajay Amrutlal Mutha,
Director,
R/o-Ashish Bungalow, Akbar property,
Station Road, Ahmednagar.
11. Sanjiv Zumbarlal Gandhi,
Director,
N o -2, Navj eevan Colony,
Ahmednagar.
12. Katnlesh Popatlal Bhandari,
Director,
R/o-Dalmandai, Ahmednagar
13. Kishore Hastimal Munot,
Director,
R/o-Chahul Bunglow, Keshargulab
Compound, Ahmednagar.
14. Subhash Modalal Bayad,
Director,
R/o-865, Guruchaya, Bagadpatti,
Ahmednagar.
15. Smt. Meenatai Vasantlal Munot,
Director,
R/o-3351, Smurti, Khist Galli,
Ahmednagar.
16. Smt. Pramilabai Hemraj Bora,
Director,

R/o-7322, Vasant Talkies Road,
Bengal Chowki, Ahmednagar.

17. Vijayrao Bhagwattrao Kothimbire,
Director,
R/o-Bhagyashakuntal, Shivneri Marg,
Agarkar Mala, Station Road,
Ahmednagar.
18. Subhashrao Marutirao Bhand,
Director,
R/o-Rajjyotinagar, Near Iron Lon,
Behind Jaipur Golden TransPort,
Burudgaon Road, Ahmednagar.
19. Jitendra Vilas Bora,
Direetor (Employees Representative)
R/o-3409, Gulab Tara, Mankoshwar Galli,
Behind Sanjeevani Hospital, Ahmednagar
20. Prasad Vinod Gandhi,
Diroctor (Employees Reprosentative)
R/o-Ratna Jyoti Bungalow,
Plot No. 8, Bhavaninagar,
Ahmednagar. ..Respondent Nos.1 to 20
Contemnor.
21. The State of Maharashtra,
Through its Secretary,
Ministry for Co-oPeration, Mantralaya, Mumbai.
..Formal Respondent.

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Mr. A. M. Gholap, Advocate for Petitioner.
Mr. P. D. Patil, AGP for Respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st JUNE 2024.

ORDER:-

1. The petitioner seeks to invoke jurisdiction of this court under provisions of Contempt of Courts Act, against the respondents, alleging disobedience of the judgment and order dated 15.02.2022 passed by this Court in Writ Petition No.14305/2019.

2. Mr. Gholap, learned Advocate appearing for the petitioner submits that the petitioner tendered an application seeking membership of the Ahmednagar Merchants Co-operative Bank Ltd. The respondent nos.2 to 20, who are the Directors of the Bank resolved in a meeting dated 15.02.2024 to reject the petitioner's application under the premise that the petitioner is not entitled for such a membership citing reasons, which are held to be unsustainable by this Court, in order dated 15.02.2022 passed in Writ Petition No.14305/2019 filed by similarly situated persons.

3. Mr. Gholap, learned Advocate invites attention of this Court to the observations in paragraph no.13 of order dated 15.02.2022 passed in Writ Petition No.14305/2019 and submits that stand of the Bank to deny the membership on the basis of illegal policy decision is deprecated by this court. He would further submit that although the petitioner is not party to Writ Petition No.14305/2019, in view of the observations of the Supreme Court of India in case of ***Girish Mittal Vs. Parvati V. Sundaram***¹, petitioner can invoke contempt jurisdiction of this court in case of violation of general directions given by court in any judgment.

4. This court considered the submissions advanced by the learned Advocate appearing for the petitioner. On perusal of judgment in Writ Petition No.14305/2019, it can be observed that decision of the Board of Directors of bank, rejecting the applications for membership has been set aside, observing that such decision was not in conformity with the provisions of the Maharashtra Co-operative Societies Act and Rules framed thereunder. Apparently, the decision rendered by this Court pertains to the statutory right of petitioners therein to get the membership of Co-operative Bank. Admittedly, the petitioner was

¹ AIR ONLINE 2019 SC 2239.

not party to the said Writ Petition. Later on, his application seeking membership is rejected by the Bank almost for selfsame reasons.

5. The learned Advocate appearing for the petitioner may be right in contending that the rejection of petitioners membership was incorrect, particularly in light of the observations made by this Court in petition filed by similarly situated persons. However, it is difficult to hold that such an action of the Bank would invite the contempt for willful disobedience. The decision rendered by this Court in the matter of similarly situated persons would not bestow the right in favour of the petitioner to seek similar treatment and invoke contempt proceeding for violation of such right on the basis of observations made in that Writ Petition. Pertinently, the decision rendered by this Court in Writ Petition No.14305/2019 is *qua parties* and it has no resemblance of direction issued in the public interest. Consequently, the law laid down by the Supreme Court of India in case of ***Girish Mittal*** (supra) would have no application to assist the cause of the petitioner.

6. Consequently, there is no merit in the Contempt Petition, the same is dismissed.

(S. G. CHAPALGAONKAR)
JUDGE