

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10147 OF 2022

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Vasant Vishwanath Petkar ... Petitioner
V/s.
The Wai Urban Cooperative Bank Ltd.
& Anr. ... Respondents

Mr. Niranjan Mogre with Mr. Siddhesh Borkar and Mr.
Sujay Gangal for the petitioner.

Mr. Dhananjay Bhanage for respondent No.1.

Mr. S. D. Rayrikar, AGP for the State/respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 27, 2024

P.C.:

1. The petitioner being member of a cooperative society filed an application under section 32 of the Maharashtra Cooperative Societies Act, 1960. The petitioner filed the application based on observation made by the Cooperative Court in order dated 16th March 2016. The petitioner, therefore, filed an application under section 79(2) of the Maharashtra Cooperative Societies Act, 1960. The Commissioner for Cooperation, by order dated 26th October 2020, directed the bank to furnish documents enumerated in the said order.

2. The respondent No.1-bank being aggrieved by the said order

filed revision under section 154 of the Maharashtra Cooperative Societies Act, 1960. The Minister, by impugned order dated 22nd March 2022, held that the documents directed by the Commissioner of Cooperation cannot be directed to be furnished to the petitioner unless such documents fall within the description referred in section 32 of the Maharashtra Cooperative Societies Act, 1960.

3. Having perused the application, order dated 26th October 2020 and section 32 of the Maharashtra Cooperative Societies Act, 1960, in my opinion, except document at serial No.4 to the extent it reflects transaction with the petitioner, rest of the documents in application dated 14th January 2012 do not fall within the description of documents which the member of cooperative society is entitled. Therefore, respondent No.1-bank is directed to give resolutions of managing committee meetings from 1st January 2001 to 31st March 2001 to the extent it reflects transaction with the petitioner.

4. Subject to aforesaid modification, the order impugned passed by the Minister does not suffer from legal infirmity.

5. The writ petition is, therefore, dismissed. No costs.

6. However, it is otherwise permissible for the petitioner to challenge the order of the Cooperative Court, such right shall not be affected by the order passed by the Minister impugned in the writ petition.

(AMIT BORKAR, J.)