

AGK

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

WRIT PETITION NO.2435 OF 2024

Viviana Co-operative Housing
Society Ltd. & Ors.

... Petitioners

V/s.

The State of Maharashtra, through
Minister of Cooperation & Ors.

... Respondents

WITH

WRIT PETITION NO.2441 OF 2024

Surji Damji Chhedda & Ors.

... Petitioners

V/s.

The State of Maharashtra, through
Minister of Cooperation & Ors.

... Respondents

Mr. Vijay D. Patil i/by Mr. Kalpesh U. Patil for the
petitioners.

Mr. Sanjay D. Rayrikar, AGP for respondent Nos.1 to 4/
State.

Mr. Drupad S. Patil with Mr. Mangesh R. Kokare i/by
Mr. Said S. Ansari & Associates for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2024

RC.:

1. The writ petitions arise out of an order of Administrator under Section 77A of the Maharashtra Cooperative Societies Act, 1960 and the next order is removal of the petitioners on the ground of waiver of charges.

2. The principal charge against the petitioners is that based on Resolution of Annual General Meeting, they waived charges imposed on a member. According to the complainant, such Resolution was not legally passed or in fact in the Resolution there is no such decision to waive the charges. All these issues need to be decided by the Revisional Authority.

3. Since the order has effect of appointment of Administrator taking away right of the elected body to continue with the management of the Cooperative Society, during the pendency of Revision, the rights of elected committee must be protected.

4. Hence, during pendency of the revision, the order of appointment of Administrator shall not be enforced.

5. Since the issue involved in both the writ petitions is inter-lined, the order of removal of the petitioners shall not be given effect to during the pendency of the Revision Application.

6. The State of Maharashtra shall decide the Revision Application within four weeks from today. If it is not possible for the Minister to decide the Revision Application within four weeks from today, it will be open for him to entrust the hearing to the Secretary (Cooperation), who shall decide the Revision Application within four weeks from today.

7. In case the Revision Application is decided against the petitioners, same will stand stayed for a period of four weeks from the date of communication of such order to the petitioners.

8. Parties shall appear before the Minister on Monday, 26 February 2024 at 3.00 p.m.
9. Both the writ petitions stand disposed of in above terms. No costs.

(AMIT BORKAR, J.)