

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

ANANT
KRISHNA
NAIK

Digitally signed by
ANANT KRISHNA
NAIK
Date: 2024.04.10
11:54:23 +0530

WRIT PETITION NO. 493 OF 2022

Balvant Pandurang Jadhav & Ors. ...Petitioners

Versus

Sugar Commissioner Sakhar Sankul & Ors. ...Respondents

Mr. Alankar Kirpekar a/w. Mr. Sagar Kasar, Mr. Amol Wagh, Adv. Sachin Patil i/b. Mr. Sagar Kasar for the petitioners.

Mr. Ashish S. Gaikwad a/w. Ms. Savita A. Gaikwad, Mr. Anirudh Rote, Ms. Ansuli Kolapkar for Respondent No. 3.

Ms. A. A. Purav, AGP for the Respondent Nos. 1, 2 & 4-State.

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 28 MARCH, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioners are the ex-employees of Karmveer Kakasaheb Co-operative Sugar Factory Limited at Niphad, District-Nashik. This Co-operative Society had financial problems and therefore, the State Government intervened and an order has been passed under section 102 of the Maharashtra Co-operative Societies Act, 1961 appointing the Respondent No. 3 as a liquidator to the Society.
3. It is informed by learned Counsel for the liquidator that the process

of recovery of the dues and disbursal is going on. The Petitioners are before us seeking directions to the Respondents to forthwith release the payment of gratuity. It is also the contention of the Petitioners that whenever amounts are being released, the Respondent-Liquidator is taking an undertaking that the employees have no other claims left, which is impermissible.

4. Since the State Government has now appointed a liquidator, who is now the in-charge of the recoveries of the dues and disbursal of the same amongst various stakeholders, the liquidator will have to follow the guidelines and the Regulations governing the process. It is not possible for this Court to monitor the entire process conducted by the liquidator and issue directions without reference to the entire process, quantum of the dues recovered, the entire exact claim of the Petitioners, as such ad-hoc directions might disturb the liquidation process.

5. According to us, Commissioner of Sugar, Maharashtra State who is supervising the activities of the Respondent No. 3-Liquidator, should look into the grievance made by the Petitioners. Therefore, we permit the Petitioners to make their grievances to the Respondent No. 1- Commissioner of Sugar, Maharashtra State by making a representation, which the Commissioner of Sugar will examine and issue necessary instructions to the Respondent No. 3-Liquidator. Till the process of liquidation is complete, this liberty shall continue to the Petitioners. We place the responsibility accordingly on the Commissioner of Sugar,

Maharashtra State to examine the grievances of the Petitioners and if found justified, issue necessary directions to the Respondent No. 3-Liquidator.

6. Office of AGP will forward the copy of this order to Commissioner of Sugar, Maharashtra State for perusal and necessary compliance.
7. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)