



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

WRIT PETITION NO.1845/2024

Sunil M. Katkade and others

...Versus...

**State of Maharashtra through its Commissioner of Textile cum Additional
Registrar, Cooperative Societies, Nagpur and others**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. O.A. Ghare, Advocate for petitioners
Mr. Abhijit Mate, AGP for respondent nos.1 and 2

CORAM : BHARAT P. DESHPANDE, J.

DATE : 15/03/2024

1. Heard learned counsel for the parties.
2. The petition is challenging the order passed by the Additional Registrar Cooperative Societies, whereby an Administrator is appointed under Section 77 of the Maharashtra Co-operative Societies Act, 1960, on account of failure by the Society to conduct election and by not paying charges for the said election.
3. Learned counsel for the petitioners would submit that the Society is not responsible for not conducting election and even part payment regarding charges was already deposited. He would submit that the provisions of Section 73 AAA (3) (Second Proviso) of the Maharashtra Co-operative Societies Act, 1960 state that if the election to the Committee

for the Society could not be held for any reason not attributable to the members of the Committee, the existing members of the Committee shall be deemed to have continued till new Committee is duly constituted. He would submit that a show-cause notice issued by the concerned authority clearly shows that it was only under Section 73 (1) of the Maharashtra Co-operative Societies Act, whereas the Society has pointed out that they are not at fault for the purpose of not conducting the election. He would further submit that even otherwise the old Committee continues and there was no question of appointment of Administrator. He would further submit that till date Administrator has not taken charge of the management of the Society.

4. Considering the above statement and the submissions, issue notice to the respondents, returnable on 03/04/2024.

5. Assistant Government Pleader Mr. Abhijit Mate waives service of notice for respondent nos.1 and 2.

6. Petitioners to serve respondent no.3 by regular mode as well as by other modes permissible under law.

7. Till the next date, the Administrator is restrained from taking charge of the management of the Society.

(BHARAT P. DESHPANDE, J.)