



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 41 OF 2025

ARVIND KURI, THE SECRETARY,
DNYANPRAKASH MANDAL, BICHOLIM
SOCIETY AND 5 ORS.

... PETITIONERS

VS

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 2 ORS.

... RESPONDENTS

Mr. D. Lawande with Mr. S. Singbal, Advocates for the Petitioners.

Mr. Neehal Vernekar, Additional Government Advocate for
Respondent Nos. 1 and 2.

**CORAM: M.S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED: 25th FEBRUARY 2025

P.C:

1. Heard Mr. Lawande for the Petitioners and Mr. Vernekar for the State Government.
2. The contention of the learned Counsel for the Petitioners is that no confidence motion was moved against Respondent No. 3 on 31.08.2024. It is submitted that Respondent No. 3 being the President is not convening the extra-ordinary general meeting for considering the no-confidence motion.
3. Our attention is invited to Rule 12-D of the by-laws which provides for convening the extra-ordinary general meeting.

4. Rule 12-D reads thus:

“Rule 12-D: Convening of extra-ordinary general meeting.

The President of the Governing Council shall convene an extra-ordinary general meeting within 20 days of the receipt of a written request made by at least ten members showing sufficient cause or substantial grounds or upon the requisition of the Governing Council. In case the President fails to hold such a meeting within 20 days, the requisitioning members will be entitled to convene the general body meeting by a notice signed by them and giving intimation thereof to the President at least a week earlier than the day fixed for the meeting. The meeting convened shall be held as convened regularly and the business transacted in the same shall be held to be valid.”

5. No doubt the requisitioned members are entitled to conduct the extra-ordinary general meeting by a notice signed by them. Section 20A of the Societies Registration Act provides for investigation of the affairs of the Society by the Inspector General.

6. However, looking at the nature of the dispute, the allegations and the counter allegations made, we find it appropriate that in the facts of the present case, the Inspector General should look into the factum of the no-confidence motion moved against the President and after looking/investigating into the matter, issue appropriate directions under the provisions of

Section 20A of the Societies Registration Act. This is to be done within a period of one week from the date a copy of this order is placed on record.

7. Considering the nature of the order that we have passed, we have not issued notice to Respondent No. 3.

8. Liberty to Respondent No. 3 to apply in case of difficulty.

9. The Petition stands disposed of. No costs.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.