

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12114 OF 2024

Siddheshwar Sahakari Sakhar
Karkhana Ltd. through its Managing Director ...Petitioner
Vs.
The State of Maharashtra & Anr. ...Respondents

Mr. Sandesh d. Patil with Mr. Prithviraj S. Gole & Krishnakant Deshmukh i/b. Rushikesh Barge, for Petitioner.
Dr. Birendra Saraf, Advocate General with Ms. Neha Bhide, Government Pleader with Mr. B. V. Samant, Addl. Govt. Pleader with Mr. Rohan Sawant, 'B' Panel Counsel and Mr. Y. D. Patil, AGP for the State.
Mr. Siddheshwar N. Sheelwant, Secretary & Authorised Representative of the Petitioner present.

**CORAM: G. S. KULKARNI &
 ADVAIT M. SETHNA, JJ.**

DATED: 29 JANUARY 2025

P.C.

1. We have heard Mr. Sandesh Patil, learned Counsel appearing for the petitioner and Dr. Birendra Saraf, learned Advocate General for the State.
2. The petitioner has moved a proposal to the State Government for "Marginal Money Loan routed through the State Government", under the scheme of the National Cooperative Development Corporation (for short "NCDC"). The case of the petitioner is that its application was earlier considered by the two expert committee, however, the same was not approved and recommended, primarily for the reason that the petitioner is registered under the Multi-State Cooperative Societies Act. The petitioner contends that the last decision was taken on 23 July 2024 when the petitioner's proposal although approved by such expert

committees and despite the petitioner fulfilling the other requirements, was not approved.

3. Mr. Patil would submit that in such context after the impugned decision, the petitioner's managing committee passed a resolution dated 12 September 2024 subjecting to the petitioner to the jurisdiction of the State authority qua the loan in question. It is his contention that such compliance is required to be taken into consideration and an appropriate decision in accordance with law, needs to be taken by the Cabinet Committee.

4. Having heard the learned Advocate General as also considering the fact that, today in the first session we have passed orders on Writ Petition No.11572 of 2024, whereby in respect of the petitioner therein, decision in regard to the pending proposal is directed to be taken, we are of the opinion that the petitioner's case also needs to be considered by the Cabinet Committee, as the facts in regard to the compliances are similar to the said case, except that the petitioner is a "multi-State cooperative society." In these circumstances, without expressing any opinion on merit of the rival contentions, we are of the opinion that it is in the interest of justice that the petition is disposed of in terms of the following order:

ORDER

(i) The Cabinet Committee shall consider the petitioner's proposal and in the light of the subsequent documents including the Managing Committee's Resolution dated 12 September 2024 – 'Exhibit B' (page 166 to the Rejoinder

Affidavit) and take a decision on the petitioner's proposal in accordance with law, within a period of eight weeks from today.

(ii) All contentions of the parties are expressly kept open.

(iii) Disposed of in the aforesaid terms.

(iv) No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)