

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

WRIT PETITION NO. 688 OF 2025

Dadabhau Nana Jadhav and Anr.

...Petitioners

V/s.

Joint Registrar, Co-operative Societies
(CIDCO) and Ors.

...Respondents

**WITH
WRIT PETITION (STAMP) NO.1201 OF 2025**

Saujanya Co-operative Housing
Society Ltd. through its Chairman-Mr.
Dadabhau Nana Jadhav and Ors.

...Petitioners

V/s.

Joint Registrar, Co-operative Societies
(CIDCO) and Ors.

...Respondents

Mr. Avinash H. Fatangare with Mr. Sandesh V. Kate for the
Petitioners.

Mr. S.D. Rayrikar, AGP for Respondent -State in WP/688/2025

Mr. Mahendra V. Shingate for Respondent No.6.

Mrs. S.A. Prabhune, AGP for Respondent -State in WPST / 1201
/2025.

CORAM : SANDEEP V. MARNE, J.

Dated : 16 January 2025.

P.C. :

1) Writ Petition (stamp) No. 1201 of 2025 is filed by the Petitioner-Society, which is not on board. On a request made by the learned Advocate appearing for the Petitioners in that Petition, Writ Petition (stamp) No.1201 of 2025 is taken on board.

2) The Petitions challenge order dated 2 December 2024 passed by the Joint Registrar, Co-operative Societies (CIDCO), Navi Mumbai, directing disqualification of the seven persons, including the two Petitioners in Writ Petition No.688 of 2025 for a period of five years under the provisions of Sub Section 5 of Section 75 of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**).

3) Prima facie it appears that upto 19 March 2023 the previous managing committee was functional of which Respondent No.4- Mrs. Swati Bhanudas Rajguru was the secretary and Respondent No.5- Mr. Vinodkumar Umapati Mishra was the treasurer. It is alleged by the Petitioners that said two persons were actually responsible for holding the Annual General Meeting (**AGM**) in the year 2021-2022. That the managing committee has already passed resolution for holding of AGM and had also prepared notice of the AGM but the Secretary- Mrs. Swati Bhanudas Rajguru failed to convene AGM for the year 2021-2022. The two Petitioners in Writ Petition No.688 of 2025 were merely committee members of the previous managing committee. In the subsequent election where new

managing committee took over on 19 March 2023 the two Petitioners have been elected as the Chairman and Treasurer. Mrs. Swati Rajguru and Mr. Vinodkumar Mishra, who were office bearers of the previous managing committee filed complaints alongwith one Mr. Mujib Khan seeking disqualification of the present managing committee members under the provisions of Sub Section 5 of Section 75 of the MCS Act. Thus, prima facie it appears that Respondent No.4- Mrs. Swati Rajguru and Respondent No.5-Vinodkumar Mishra have sought to take benefit of their own wrong in not convening the AGM for the year 2021-2022 for ensuring disqualification of the two Petitioners.

4) So far as the allegation of not holding AGM for the year 2022-2023 is concerned, it is submitted that the previous managing committee did not handover records of the society to the new managing committee and therefore directions were required to be sought from Assistant Registrar for appointment of Auditor to conduct audit of the Respondent -Society. It is only after the audit was conducted that the subsequent managing committee was in a position to convene AGM. Prima facie therefore, it appears that there was reasonable cause shown by the Petitioners for dropping the proceedings *qua* them under Section 75(5) of the MCS Act.

5) Issue notice to Respondents in both the Petitions, returnable on **10 March 2025**. Mr. Rayrikar and Mrs. Prabhune, the learned AGPs waive service on behalf of

Respondent Nos.1 and 2 -State in Writ Petition No.688 of 2025 and Writ Petition (stamp) 1201 of 2025 respectively. Mr. Mahendra Shingate, the learned counsel waives service on behalf of Respondent No.6.

6) Till the next date of hearing, orders dated 31 July 2024 and 2 December 2024 *qua* the Petitioners in Writ Petition No.688 of 2025 shall remain stayed.

[SANDEEP V. MARNE, J.]