

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

WRIT PETITION NO.4194 OF 2025

Dr. Balasaheb Shende,
Chairperson of Shriram Sahakari Sakhar
Karkhana, Phaltan, Dist. Satara .. Petitioner
Vs.

State of Maharashtra and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.4249 OF 2025

Shriram Sahakari Sakhar Karkhana,
Phaltan, Dist. Satara .. Petitioner
Vs.

State of Maharashtra and Ors. .. Respondents

ALONG WITH

WRIT PETITION (ST.) NO.9177 OF 2025

Vishwasrao Jaywantrao Bhosale .. Petitioner
Vs.

State of Maharashtra and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.4238 OF 2025

Shriram Sahakari Sakhar Karkhana,
Phaltan, Dist. Satara
Through its Chairperson Dr. Balasaheb Shende ..Petitioner
Vs.

State of Maharashtra and Ors. ..Respondents

Mr. Y.S. Jahagirdar, Senior Advocate, with Mr. Kaustubh Thipsay and Mr. Aditya A. Joshi, Advocates for the Petitioner in all petitions, except WPST/9177/2025.

Mr. Rushikesh C. Barge, Advocate for Petitioner in WPST/9177/2025 & for Respondent Nos.6 & 8 in rest matters.

Mr. Deelip Patil Bankar, Senior Advocate i/b Mr. Dilip Bodake a/w Ms. Pooja Patil for Respondents – SCEA in all petitions.

Ms. Tejal R. Parde, Desk Officer, Mantralaya (Co-operative Marketing & Textiles Department) present in Court.

Mr. S.H.Kankal, Assistant Government Pleader for Respondent-State in WP/4194/2025.

Mr. N.C.Walimbe, Additional Government Pleader a/w Mr. S.P. Kamble, Assistant Government Pleader for Respondent State in WP/4249/2025.

Mrs. Reena A. Salunkhe, Assistant Government Pleader for Respondent/State in WP/4238/2025.

Mr. S.P .Kamble, Assistant Government Pleader for Respondent/State in WPST/9177/2025.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 27th MARCH 2025.

P.C. :

1. Challenge has been raised to the order dated 20/03/2025 passed by the Regional Joint Director (Sugar) Pune Division, Pune under the provisions of Section 77A(1)(ii) of the Maharashtra Co-operative Societies Act, 1960 (for short, 'Act of 1960'). By the said order, an Administrator has been appointed to look into the affairs of the Shriram Sahakari Sakhar Karkhana Limited, Phaltan.

2. Mr. Y. S. Jahagirdar, learned Senior Advocate for the petitioner submitted that as the tenure of the earlier Managing Committee had come to an end, steps were taken to hold elections. The provisional voters list was prepared and thereafter objections that were filed came to be considered. After the said objections were decided, the final voters list came to be published. Thereafter on 07/03/2025, the Maharashtra State Co-operative Election Authority appointed the Returning Officer. The Returning Officer accordingly

on 07/03/2025 prepared the election programme for its publication. It is submitted that the eighth respondent filed Writ Petition (ST) No.9177 of 2025 raising a challenge to the decision taken on the objections to the provisional voters list. On that basis, the Additional Registrar and Joint Secretary issued an order postponing the conduct of the elections. This order dated 13/03/2025 is the subject matter of challenge in Writ Petition (ST) No.4238 of 2025. Thereafter on 20/03/2025, the Regional Joint Director (Sugar) passed an order under Section 77A(1)(ii) of the Act of 1960 and proceeded to appoint an Administrator. The notice in that regard as required was not published and by relying upon the second proviso to Section 77A(1)(ii) of the Act of 1960, publication of the notice was dispensed with. It is submitted that without there being any necessity of such immediate action, the Administrator came to be appointed. It is urged that after publication of the final voters list and initiation of steps by the State Co-operative Election Authority to hold elections, there was no justification for appointing the Administrator. Since no opportunity was granted to the members of the society by invoking the urgency provision, the material ought to indicate such urgency which was however absent.

3. Issue notice to the respondents, returnable on 04/04/2025.
4. Prima facie, it is found that publication of notice as required

by the first proviso to Section 77A(1)(ii) has been dispensed with on the premise that the Registrar was satisfied that immediate action was required to be taken. Perusal of the impugned order does not, prima facie, indicate that such satisfaction was recorded by the Regional Joint Director (Sugar) as required by law. In Writ Petition No.3527 of 2023 (*Shri Nana S/o Jairamji Panchbuddhe & Ors Vs. The State of Maharashtra & Ors.*) decided on 04/09/2023 at the Nagpur Bench, it has been observed in paragraph 5 as under :-

“5. Having heard the learned counsel for the parties and having perused the impugned order, it can be seen that the Divisional Joint Registrar, except for stating the contingency provided under Section 77A(1)(b-1) of the Act of 1960, has proceeded to appoint the Administrator. It is to be noted that the challenge raised by the petitioners is based on the failure on the part of the Divisional Joint Registrar to comply with the first proviso to Section 77A which requires the Registrar to publish a notice on the notice board at the Head Office of the Society and invite objections and suggestions with regard to the order proposed to be passed. Though under the second proviso to Section 77A it is open for the Registrar not to publish such notice, the liberty to dispense with such publication is only when the Registrar is satisfied that immediate action is required or that it is not necessary or practical to publish such notice. It goes without saying that when recourse is taken by the Registrar to the second proviso and publishing of the notice as contemplated by the first

proviso is sought to be dispensed with, the satisfaction of the Registrar ought to be reflected in the order passed under Section 77A of the Act of 1960. We find that such satisfaction of the Registrar is absent in the impugned order. Except for stating that immediate action is required to be taken, the Divisional Joint Registrar has not recorded his satisfaction that if such immediate action is not taken, the same would not be in the interest of the Bank. Merely quoting the provisions of Section 77A of the Act of 1960 in the order appointing the Administrator would not satisfy the requirement that is contemplated.”

5. Since a strong prima facie case has been made out, there shall be ad-interim relief in terms of prayer clauses (d) and (g) in Writ Petition No.4194 of 2025. This direction would be subject to final outcome of the writ petition. The members of the Managing Committee shall however not take any major policy decision until further orders and they are merely permitted to undertake the day-to-day management of the Karkhana until further orders.

6. The parties to act on authenticated copy of this order.

7. Writ Petition (ST) No.9177 of 2025 shall be placed before learned Single Judge for further consideration.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]