



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

CIVIL REVISION APPLICATION NO.30/2025

Tulsiram s/o Vithobaji Potode

...Versus...

Saoner Taluka Sahakari Kharedi Vikri Samiti Ltd. Through its
Chairman/Manager Tah. Saoner, Distt. Nagpur - 33

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

Court's or Judge's orders

Mr. Y.D. Shukla, Advocate for applicant
Mr. A.P. Deshmukh, Advocate for non-applicant

CORAM : ROHIT W. JOSHI, J.

DATE : 29/09/2025

1. The applicant has suffered an award under Section 91 of the Maharashtra Co-operative Societies Act, 1960 (for short hereinafter "MCS Act") in Dispute No.464/1999 where the amount of Rs.55,755=50 paise is held to be payable by the applicant to the non-applicant along with 18% interest.
2. The non-applicant has filed execution proceedings bearing Regular Darkhast No.15/2017. The applicant has filed application below Exh.35 raising objection to the executability of the said award on the ground of jurisdiction.
3. The learned Advocate for the applicant states that since the dispute is an industrial dispute within the meaning of Section 2 (k) of the Industrial Disputes Act, 1947 (for short hereinafter referred to as "ID Act") the Co-operative Court did not have jurisdiction to entertain the dispute under Section 91 of the MCS Act. He specifically refers to proviso to Section 91

(1) of the MCS Act in support of his contention. Apart from this, he has also placed reliance on the judgment of this Court in the matter of *Hariram s/o Tukaramji Ambulkar and others Vs. Bhatkuli Taluka Sahakari Shetki Kharedi Vikri Sanstha Ltd., Amravati and another*, reported in *2007 (2) Mh.L.J. 693*.

4. Section 2 (k) of the ID Act defines an “industrial dispute” to mean a dispute between employers and employers or between employers and workmen or between workmen and workmen, which relates to the employment or non-employment or the terms of employment or conditions of labour.

5. The dispute between the parties in the present case is between employer and employee. However, it is neither in relation to employment or non-employment or terms of employment or conditions of labour.

6. The employee had filed dispute under Section 91 of the MCS Act for recovery of amount allegedly misappropriated by the employer. The dispute does not fall within the meaning industrial dispute under Section 2 (k) of the ID Act and consequently, proviso to Section 91 (1) of the MCS Act is not attracted. As regards judgment in the matter of *Hariram* (supra) in that case a complaint under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 was filed against the employer, which was a registered co-operative society. An objection was raised to the jurisdiction of learned Industrial Court, in view of Section 91 of the MCS Act. The said objection was rejected. The ratio of the said judgment is clearly distinguishable as it deals with a converse case.

7. In view of the reasons recorded above, no case for interference is made out. The Civil Revision Application stands dismissed. No order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar