



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1990/2024

1. Om Shanti Majoor Kamgar
Sahakari Sanstha Marya,
Kosmtarra, Tah. Salekasa Dist.
Gondia Reg No. 1088/2020
Through Its president,
Mr. Yogendra Mansaram Funde,
Age About 60 Years, Occu. Labour,
R/o Kosamtarra, Post. Tah. Salekasa,
Dist. Gondia
2. Mahalaxmi Majoor Kamgar
Sahakari Sanstha Marya,
Pandhrabodi, Tah. & Dist. Gondia
Reg No. 694/2020 Through Its
President
Chandrakalabai Munnalal Damade

... PETITIONERS

...VERSUS...

1. State of Maharashtra
Through Its Minister
Minister of Co Operation
Marketing and Textile Department
Mantralaya, Mumbai - 32
2. Divisional Joint Registrar of Co
Operative Society, Nagpur Division
Tah and Dist. Nagpur
3. Divisional Scrutiny Committee of
Labour Co- operative Societies
Nagpur Division, Through its
Chairman-cum-divisional Joint

Registrar, Co-operative Societies,
Nagpur Division, Nagpur Tah and
Dist Nagpur

4. District Deputy Registrar Co-
Operative Societies Gondia, Tah
and Dist. Gondia
5. Assistant Registrar of Co -
Operative Societies, Amgaon Tah.
Amgaon Dist. Gondia
6. Assistant Registrar of Co -
Operative Societies, Gondia Tah.
Gondia Dist. Gondia
7. The Gondia District Labour Co -
operative Societies Federation,
Gondia, Through Its President
Office at Manohar Chowk,
Govindpur Road, Hatti Maidan,
Gondia Tahsil and District
8. Deputy Conservator of Forest
Gondia Division, Gondia,
Forest Department, T.B. Toli
Kudwa Naka Road, Gayatri Mandir
Gondia.
9. Executive Engineer,
Zilla Parishad (Public Works
Department) Gondia.
10. Executive Engineer
Public Works Department
(Rohoyo) Gondia, District- Gondia.

(Added R. 8 to 10 vide order dated 27/03/2024)

...RESPONDENTS

WITH

WRIT PETITION NO. 2257/2024

Vikas Majoor Sahakari Sanstha
Marya, Rajegaon, Tah. & Dist. Gondia
Reg No.695/2020 through its
President, Shri. Ramakant s/o
Ramdulare Awasthi, Age about 62
years, Occu. Labour, R/o Rajegaon,
Tah. & Dist. Gondia

... **PETITIONER**

...VERSUS...

1. State of Maharashtra
Through Its Minister
Minister of Co Operation
Marketing and Textile Department
Mantralaya, Mumbai - 32
2. Divisional Joint Registrar of Co
Operative Society, Nagpur Division
Tah and Dist. Nagpur
3. Divisional Scrutiny Committee of
Labour Co- operative Societies
Nagpur Division, Through its
Chairman-cum-Divisional Joint
Registrar, Co-operative Societies,
Nagpur Division, Nagpur Tah and
Dist Nagpur
4. District Deputy Registrar Co-
Operative Societies Gondia, Tah
and Dist. Gondia
5. Assistant Registrar of Co -
Operative Societies, Gondia,
Tah. & Dist. Gondia

6. The Gondia District Labour Co -
operative Societies Federation, Gondia,
Through Its President/Secretary, at
Manohar Chowk, Govindpur Road,
Gondia Tahsil and District

...RESPONDENTS

WITH

WRIT PETITION NO.5795/2024

1. Sai Baba Majoor Sahakari
Sanstha Marya, Panjra, Reg.No.
JND/JAA/PRD(L)/696/2020
through its President Gangaram
Gokal Kapse
Age about 65 years, Occu.
Labour R/o Post, Kamtha, Tah.
And Dist. Gondia
2. Shivshakti Majoor Sahakari
Sanstha Mary., Chiramantola
PRD(L)/697/2020 Through its
President Pritam Dudiram
Katare,
Age: 42 years, Occu. Labour
R/o Chiramantola, Post Paraswada,
Tah. And Dist Gondia
3. Jijau Majoor Sahakari Sanstha
Marya, Itkheda
JND/MAI/PRD(L)/1472/2020-21
Through its President Hemant
Bharat Mehendale
Age 35 years, Occu. Labour
R/o PO Itkheda, Tah. Arjuni
Morgaon, Dist. Gondia

4. Jaidurga Majoor Sahakari
Sanstha Marya, Gothangaon
JND/MAI/PRD(L)/1473/2020-21
Its President Ratiram Karu Rane
Age: 64 years, Occu. Labour
R/o PO Gothangaon, Tah.
Morgaon Arjuni, Dist. Gondia

... **PETITIONERS**

...**VERSUS**...

1. State of Maharashtra
Through Its Minister
Minister of Co Operation
Marketing and Textile Department
Mantralaya, Mumbai - 32
2. Divisional Joint Registrar of Co
Operative Society, Nagpur Division
Tah and Dist. Nagpur
3. Divisional Scrutiny Committee of
Labour Co- operative Societies
Nagpur Division, Through its
Chairman-cum-divisional Joint
Registrar, Co-operative Societies,
Nagpur Division, Nagpur Tah and
Dist Nagpur
4. District Deputy Registrar Co-
Operative Societies Gondia, Tah
and Dist. Gondia
5. Assistant Registrar of Co -
Operative Societies, Amgaon Tah.
Amgaon Dist. Gondia
6. Assistant Registrar of Co -

Operative Societies, Gondia Tah.
Gondia Dist. Gondia

7. The Gondia District Labour Co -
operative Societies Federation,
Gondia, Through Its President
Office at Manohar Chowk,
Govindpur Road, Hatti Maidan,
Gondia Tahsil and District

...RESPONDENTS

Shri G.C. Khond, Advocate a/w Shri A.R. Wagh, Advocate for petitioner in WP
Nos.1990/2024 and 5795/2024
Shri V.R. Borkar, Advocate for petitioner in WP No.2257/2024,
Shri B.M. Lonare, AGP for respondent/State
Shri A.M. Ghare, Advocate for respondent/The Gondia District Labour Co -
operative Societies Federation, Gondia.

CORAM : SMT. M. S. JAWALKAR, J.

DATE OF RESERVING THE JUDGMENT : 12/02/2025

DATE OF PRONOUNCING THE JUDGMENT: 13/03/2025

JUDGMENT

. Heard learned Counsel for the petitioners, learned
Counsel for respondents and learned Assistant Government Pleader
for State. By consent petitions are taken up for final hearing.

CHALLENGE IN PETITIONS

Writ PETITION NO. 1990/2024:-

The petitioner Om Shanti Majoor Kamgar Sahakari
Sanstha, challenges the order dated 15.03.2024 in Revision No.

207/2021 passed by respondent No.1 -Minister of Co-operation and Textile Department, Mantralalya, Mumbai.

Writ Petition No. 2257/2024:-

The petitioner Vikas Majoor Sahakari Sanstha Marya, Rajegaon, Gondia also challenges the order dated 15.03.2024 in Revision No. 207/2021 passed by respondent No.1 Minister of Co-operation and Textile Department, Mantralalya, Mumbai.

Writ Petition No. 5795/2024:-

The petitioner Sai Baba Majoor Sahakari Sanstha Marya, Panjra, Shivshakti Majoor Sahakari Sanstha Marya., Chiramantola, Jijau Majoor Sahakari Sanstha Marya, Itkheda, also challenges the order dated 15.03.2024 in Revision No. 207/2021 passed by respondent No.1 Minister of Co-operation and Textile Department, Mantralalya, Mumbai, thereby the registration of the petitioner as Majoor Society came to be cancelled.

2. The respondent no.7 is a Gondia District Labour Cooperative Societies Federation, through which work of civil nature within District is being provided to Majoors/labours through registered cooperative societies. By the impugned order, the

registration of the petitioner society came to be cancelled, which was granted by the Divisional Joint Registrar, Cooperative Societies, Nagpur. On the said decision of granting registration to the petitioner society, the respondent no.7 filed the above said Revision before the Ministry of Cooperation and by the said impugned order, the registration of the petitioner came to be cancelled, which is under challenge in this petition.

3. All these petitions involving similar issue, hence taken up for decision together and Writ Petition No.1990/2024, is taken as lead case and facts in that case are considered.

4. By the instant petition, the petitioners are challenging the order passed by the respondent No. 1, in Revision Application No. 207/2021 dated 15/03/2024, thereby, cancelling the registration of the Petitioners/Society. Petitioners are continuously facing the similar issue of obstruction of registration of Society since 2003 at the hands of Respondent No. 7.

5. Petitioners are fighting for getting registration of

Labour Co-operative Society since 2003 and after due verification of documents as well as fulfillment of documentations required for registration of Labour Co-Operative Society, the petitioners got registered in January, 2009. Thereafter, the Respondent No. 7 filed Revision Application/Appeal No. 76/2009. No. APP 1909/P No.76/15 Ministry of Co-operative Marketing and Textiles Department, Mumbai, 400032, dated 13/01/2010. The Hon'ble Minister disposed of the said appeal, wherein, the appeal of the Respondent No. 7 was rejected and the Respondent No. 7, Federation was directed to give membership to the newly registered Labour Organization.

6. Respondent herein filed Writ Petition No.386/2010, before this Court. This Court vide its order dated 26/04/2010, granted liberty to the respondent No. 7 to file appeal before the Competent Authority. Accordingly, Appeal No. 30/2010, was filed by the respondent No. 7, before the respondent No. 2 i.e., Divisional Joint Registrar Cooperative Society, Nagpur. The said appeal was dismissed as not maintainable vide order dated 14/06/2010. Therefore, Respondent No.7 filed Writ Petition No. 3000/2010,

before this Court. This Court vide its order dated 20/02/2014, remitted the appeal back to respondent No.2 for reconsideration of the same on its own merits. Thereafter, respondent No. 2 passed its order dated 05/01/2015 and thereby allowed the Revision Application. Respondent No.7 has preferred an appeal No. 101/2015, before respondent No.1, Ministry of Co-operation, Marketing and Textile Department. Respondent No.1 passed order on 18/11/2015, thereby, allowed the appeal filed by the respondent No.7. Thereafter, the petitioners newly approved Labour Co-operative Society, Gondia, filed Writ Petition Nos. 6739/2015 and 6744/2015. This Court dismissed both the petitions by its order dated 28/07/2016.

7. Petitioners thereafter along with other societies preferred SLP Nos. 24972/2016 and 24505/2016, before the Hon'ble Apex Court. The Hon'ble Apex Court passed order directing Registrar of Societies to consider application, according to the circular of Co-operative Commissioner, Pune, dated 06/12/2008 vide its order dated 29/08/2016. Petitioners submit here that thereafter as per the directions of Hon'ble Apex Court the Divisional

Joint Registrar and Chairman Divisional Scrutiny Committee M.S.S./Nagpur/Department Nagpur, hold meeting on 02/12/2016 and vide its letter dated 13/12/2016, O.T.D.J.R/Development Org. Labour/No. 5231/16 registered new Labour Co-operative Societies by following directives of Hon'ble Apex Court. This order is challenged by respondent No.7, before respondent No.1. The said revision came to be allowed and registration of petitioner Society came to be cancelled. Thereafter, the petitioners along with other newly registered Societies has preferred Writ Petition No. 657/2018, thereby, challenged the order passed by respondent No. 1. This Court after hearing at length has upheld the order passed by respondent No. 1 vide its order dated 05/08/2019. Petitioner submits here that thereafter they preferred SLP No. 23533/2019 before the Hon'ble Apex Court challenging the order passed by this Court. Hon'ble Apex Court after hearing the petitioner passed order dated 04/10/2019, thereby directing petitioner to file fresh registration application in accordance with law within four weeks from the date of order.

8. Thereafter, immediately the petitioners by following

the guidelines applied again for the registration of Labour Co-operative Societies. Committee has observed that the proposals of the petitioners Societies is filed within the limitation and in time frame given by Hon'ble Apex Court in its order dated 04/10/2019 and thereby, issued certificate of registration. Respondent No.7 thereafter, immediately preferred a Revision No. 207/2021, before the respondent No. 1. Petitioner appeared in the said appeal and filed its written statement on record to put their defence before the Authority. The respondent No. 1, thereafter partly allowed the revision filed by the respondent No. 7 and de-registered the petitioners Society. The aforesaid order is the subject matter of challenge in the present writ petition.

9. Learned Counsel for the petitioner contended that the respondent No. 1, while issuing an order dated 15/03/2024 failed to examine the documents submitted by the petitioners and passed an arbitrary illegal order, therefore, needs to be quashed and set aside. Respondent No.1 failed to observe that the present petitioners have filed their application within the limitation prescribed by the Hon'ble Apex Court by following the guidelines

and circulars issued time to time by the Government of Maharashtra for registration of Societies.

10. It is further contended that the respondent No. 1, while passing cryptic order has failed to mention the reason as to why they have specifically cancelled the registration of the petitioner's Society only, which needs interference by this Court, which also needs to be set aside.

11. The learned Counsel for petitioners Shri Khond relied on *Assistant Excise Commissioner, Kottayam and others Vs. Esthappan Cherian and another (2021) 10 SCC 210*.

12. Learned Counsel Shri Borkar relied on *L.N. Mishra Institute of Economic Development and Social Change, Patna Vs. State of Bihar and others (1988) 2 SCC 433*.

13. Learned Counsel for respondent contended that the respondent No.1 gave ample opportunities to the respondent No.7 herein while hearing the said appeal bearing No.207/2021. After

considering the submission of the respondent and facts of the appeal, the respondent No.1, partly allowed the appeal and cancelled the proceedings of the respondent No. 2 dated 22/01/2020, 15/07/2020 and 04/08/2020. In the same Order respondent No. 1 cancelled the certificate, the registration of the petitioner/Societies (Respondents No.9, 10 & 11 in Appeal No. 207/2021) and remanded back the matter to the respondent No.2 for deciding the matter in accordance with the circular passed by the Commissioner for Co-operation and Registrar of Co-operative Societies, Maharashtra State, Pune, dated 02/02/2024 on its own merits after giving reasonable opportunity to the petitioner and the respondent. The said order passed by the respondent No.1, is just and proper and in accordance with law which needs no interference and which also needs to be confirmed.

14. Learned Counsel Shri Ghare, relied on ***Shraddha Commerical Premises Co-op. Society, Aurangabad Vs. State of Maharashtra and others 2019 (1) Mh.L.J.***

15. Heard both the parties at length. Perused impugned

order, documents filed on record, the submissions of learned Counsel and citations relied on. The registration of the petitioners/ Societies is in question since long. It appears that petitioners/ Society is Co-operative Society. They are fighting for getting registration of Labour Co-operative Societies since 2003. The petitioner got registered in the year 2009. The respondent No. 7 i.e. Gondia District Labour Co-operative Societies Federation, Gondia, challenged the said order in appeal before Ministry of Co-operative Marketing, which came to be rejected and Federation was directed to give membership to the newly registered Labor Organization. In between there was litigation going on lastly in Writ Petition No. 6739/2015 and 6744/2015, came to be filed by the petitioners which came to be dismissed. However, the said order was challenged by the petitioners along with other Society in SLP No. 24972 /2016 and 24505/2016, before the Hon'ble Apex Court. In the Special Leave Petition following order dated 29/08/2016, came to be passed:-

“The said divisional order was passed at the instance of Gondia District Labour Federation. We do not propose to interfere with the common impugned judgment and order. However it would be suffice to make an observation that it is open for the Divisional Scrutiny

Committee as observed by the Divisional Joint Registrar of Cooperative Societies in his order dated 5.1.2015 passed in Appeal No. 30 of 2010 at the instance of the said Federation to examine the claims of the petitioner-Societies at pre-registration stage of the said Societies on such applications that may be filed by each one of them. The same shall be considered by the Joint Registrar of Cooperative Societies, Nagpur Division and dispose of the same in accordance with law keeping in view the Circular dated 6.12.2008 issued by the State Government with respect to the registration of Labour Cooperative Societies in Maharashtra. It is needless to mention that the said exercise of scrutiny must be made by the said Committee before pre-registration expeditiously and on such scrutiny the applications that will be filed by each one of the Cooperative Societies of the petitioners herein shall be considered and disposed of by the Joint Registrar Cooperative Societies expeditiously but not later than three months from the date of the receipt of the order”

16. Thereafter, it appears that Divisional Scrutiny Committee and its meeting held on 02/12/2016, after considering the proposals moved by the petitioners by majority of 3:2, passed resolution that Societies were eligible to be registered and proposal was forwarded for such registration. The District Deputy Registrar was directed to issue fresh registration certificate to the said Society. Accordingly, Assistant Registrar registered the aforesaid Societies on 06/11/2017 and order in respect of classification of the said

Societies was also issued. The Federation challenged the said decision by preferring Revision to the State Government. The Hon'ble Minister by order dated 05/12/2017, found that the matter of registration of the Co-operative Societies was required to be considered in the light of policy decision dated 06/12/2008. Since, it was found that the petitioners had not applied in terms of that policy, that policy decision and the norms as per earlier policy decision dated 19/04/1985, had been taken into consideration while directing registration. In view of that order passed by the Divisional Scrutiny Committee dated 02/12/2016, was set aside, consequently the order classifying the Societies dated 06/11/2017 was also set aside. The said decision of registration was challenged by the Federation before the Minister of State and Minister allowed the Revision and set aside the order of Divisional Scrutiny Committee, directing to register the petitioner Society. This order of Minister challenged by the petitioners Society in Writ Petition No. 657/2018. This Court while dismissing the Writ Petition observed as under :

“Perusal of the earlier order passed in Writ Petition No. 6739/2015 with connected matters on 28.07.2016 indicates that the petitioners were held entitled to seek

registration in terms of the policy dated 06.12.2008. The said judgment was maintained by the Hon'ble Supreme Court with a further direction to the Divisional Scrutiny Committee to expeditiously conduct the exercise of scrutiny of the applications that would be filed by each Labour Co-operative Society. The earlier proposals that were made by the petitioners-Societies came to be rejected on 06.06.2007 after which policy decision dated 06.12.2008 came into force. Since it was already found in the earlier round of litigation that the Societies would be required to comply with the requirements of the policy dated 06.12.2008, the Hon'ble Minister rightly found that the proposals for grant of registration had to be scrutinized in the light of that policy decision. It was however found that such exercise was not conducted and instead the proposals made prior to 06.12.2008 were taken into consideration by the said Divisional Scrutiny Committee while directing registration of the Societies. There is no reason to have another view of the matter. It has not been shown by the Societies that they had complied with the requirements of the policy decision dated 06.12.2008. It is thus found that there is no reason to interfere with the order passed by the Hon'ble Minister in exercise of revisional jurisdiction.”

17. The order passed in the Writ Petition was challenged by the Society before Hon'ble Apex Court in Special Leave Petition No. 23533/2019, which also came to be dismissed, as it was found that the petitioners have not moved any application afresh as per order of Hon'ble Apex Court. However, liberty was granted to make such application in accordance with law within four weeks from the

passing of the order. Accordingly, petitioners submitted fresh proposal for registration. The meeting was called on 22/01/2020, and after due discussion, Scrutiny Committee had decided to register the petitioners Society being fulfilling the criteria and availability of work, issued certificate of registration. The Federation again preferred a Revision before the Minister.

18. Learned Counsel for petitioner drawn my attention to the fact that the Divisional Scrutiny Committee in all registered 68 Societies during the period 31/01/2022 till 31/03/2023 on the basis of same 2008 policy. However, there is no challenge by the Federation by filing any Revision or Appeal against the registration of those Societies. Respondent No.1 vide order dated 15/03/2024, partly allowed the Revision and set aside the decisions taken in the Divisional Scrutiny Committee dated 22/01/2020, 15/07/2020 and 04/08/2020 and also cancelled the registration granted in favor of respondent Nos. 9, 10 and 11 i.e. present petitioners. The matter was remanded back for fresh decision and directed to take decision as per circular dated 02/02/2024.

19. It is the contention of the respondent that the Labour Societies were registered in accordance with circular of the Commissioner for co-operation and Registrar of the Co-operative Societies, Maharashtra State, Pune, dated 06/12/2008. The said circular is old circular and lot of changes in the Government Policies have been taken place after the issuance of circular dated 06/12/2008. When the State circular was passed, at that time nearly about Rs.15,00,000/- of all works were allotted by the respondent No.7, Federation Society to the Labour Societies. Now 33% of available work are allotted to the Labour Societies i.e. up to Rs.3,00,000/-, by the respondent No.7, Federation Society and above Rs.3,00,000/-, works are allotted to the Labour Societies by E-tendering process. It is contended that respondent Nos. 2 to 6, considering the wrong prediction about the availability of the work considering rate of wages of the labour per day of Rs.145/- in fact it was Rs.493/- decided by the Public Works Department. Now the Commission for co-operation of Registrar of the Co-operative Societies, Maharashtra State, Pune, has issued new circular 02/02/2024, therefore, the petitioner Societies needs to be scrutinized as per circular dated 02/02/2024. In view of this, there

is no illegality in the order passed by the respondent No.1.

20. It is also contention of the respondent No. 7 that respondent No. 3, while registration to petitioners have observed that respondent No.7, Federation is likely to get work of Rs.8165.66 Lakhs, in Financial Year 2019-2020. However, factually in Financial Year 2019-20, respondent No. 7 received work of Rs.3062.21 lakhs only. These inflated and hypothetical figures considered by the respondent No. 3 to show availability or abundance of work with petitioner and granted illegal registration. In view of new circular dated 02/02/2024, the proposal of the petitioners needs to be tested on the basis of above circular.

21. Now question is weather circular of 2024 can be made applicable in the case of the petitioners. If order of Hon'ble Apex Court dated 29/08/2016, is considered, the Joint Registrar of Co-operative Societies were directed to consider the applications that may be filed by the Societies in accordance with law, keeping in view, the circular dated 06/12/2008 and the exercise of the Scrutiny made by the Committee before pre-registration

expeditiously. It is the contention of the petitioners that fresh proposal for registration was submitted and after due Scrutiny, registration was granted. It is pointed out that respondent Nos. 2 to 6 along with respondent No. 7 have given no objection for registration of many new societies, in view of availability of work as well as in view of Government Resolution dated 06/12/2008. The minutes of meeting dated 22/01/2020, if perused, it can be seen that work amounting to Rs.2665.58 lakhs was available, out of which, 33% work of the above said amount was to be allotted to the Labour Societies which goes to Rs.879.73 lakhs and therefore, contention of the respondent Nos. 1 to 6 regarding wrong prediction of availability of work is completely false and misconceived. Admittedly, at the time of grant of registration circular dated 02/02/2024 was not at all in existence. Moreover, there is no clause in the said circular having its retrospective effects.

22. Learned counsel for petitioner relied on ***Assistant Excise Commissioner, Kottayam and others*** (supra). In paragraph No. 16 the Hon'ble Apex Court relied on the judgment in ***CIT versus Vatika Township (P) Ltd., (2015)1 SCC 1***, wherein, it is held that :

"16. There is profusion of judicial authority on the proposition that a rule or law cannot be construed as retrospective unless it expresses a clear or manifest intention, to the contrary. In CIT v. Vatika Township (P) Ltd.⁷ this Court, speaking through a Constitution Bench, observed as follows: (SCC pp. 21-22, paras 28-29)

"28. Of the various rules guiding how a legislation has to be interpreted, one established rule is that unless a contrary intention appears, a legislation is presumed not to be intended to have a retrospective operation. The idea behind the rule is that a current law should govern current activities. Law passed today cannot apply to the events of the past. If we do something today, we do it keeping in view the law of today and in force and not tomorrow's backward adjustment of it. Our belief in the nature of the law is founded on the bedrock that every human being is entitled to arrange his affairs by relying on the existing law and should not find that his plans have been retrospectively upset. This principle of law is known as lex prospicit non respicit: law looks forward not backward. As was observed in Phillips v. Eyres, a retrospective legislation is contrary to the general principle that legislation by which the conduct of mankind is to be regulated when Introduced for the first time to deal with future acts ought not to change the character of past transactions carried on upon the faith of the then existing law.

29. The obvious basis of the principle against retrospectivity is the principle of "fairness", which must be the basis of every legal rule as was observed in L'Office Cherifien des Phosphates v. Yamashita-Shinnihon Steamship Co. Ltd. Thus, legislations which modified accrued rights or which impose obligations or impose new duties or attach a new disability have to be treated as prospective unless the legislative intent is clearly to give the enactment a retrospective effect; unless the legislation is for purpose of supplying an

obvious omission in a former legislation or to explain a former legislation.”

23. Admittedly, in second round before the Hon'ble Apex Court, the Apex Court declined to interfere in the impugned order and dismissed the Special Leave Petition filed by present petitioners. However, liberty was granted to the petitioners to make such applications in accordance with law within four weeks from 04/10/2019. Accordingly, applications were moved, those were considered by the Divisional Scrutiny Committee. On the day when such decision was taken by the Divisional Scrutiny Committee the only circular dated 06/12/2008 was in existence issued by Commissioner of Co-operation, Registrar/Nibandhak, Pune. Accordingly, the daily wages of Rs.145/- was considered and on the basis of that all calculations were carried out. It also appears that on the basis of the same, Assistant Registrar Co-operative Societies issued certificate on 02/03/2020.

24. My attention is also drawn towards fact that after registration of the said Society, even work orders dated 03/11/2023, 03/11/2023, 12/01/2023, were issued in favor of

registered Societies. If circular dated 02/02/2024 is perused, in Clause – 6, it is specifically mentioned as under :

“६...प्रत्येक मजूर संस्थेस निकष नुसार कामे मिळेपर्यंत दुसरी संस्था नोंदविण्यात येऊ नये. नवीन मजूर कामांचा हिशोब लक्षात घेऊन नवीन संस्थेस निकषाप्रमाणे कामे मिळण्याची शक्यता असेल तरच सदर ग्रामस्तर/ तालुका, वार्ड स्तरावर नवीन संस्था नोंदणी विषयी विभागीय समितीने अनुकूलता दर्शवावी.”

25. Circular is specifically issued to decide what would be the criteria while registering the new Labour Societies. Thus, this circular will be applicable to the Societies which are proposed to be registered after issuance of this circular data 02/02/2024.

26. Learned Counsel for respondent No. 7, Shri Ghare, place on record various copies of Gazette of India, wherein, wage rates are given for महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, २००५, wherein, for the year 2019, the daily wages for Maharashtra is shown as Rs.206.00 /-, however, there is nothing on record to show that the wage rates were adopted by Commissioner Co-operative Societies, Pune. There is one corrigendum issued on 20/06/2012, to the circular dated 06/12/2008, by which, for the State of Maharashtra from 01/04/2012, daily wage is fixed for unskilled

workers at Rs.145/- which was earlier Rs.72/-. It appears that petitioner applied for information that what were the criteria to decide labour charges under महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार योजना, २०१९. The petitioner also sought information what was the wage rate while registering the Society in the year 2019-2021. On 03/02/2025, District Registrar Co-operative Societies, Gondia, gave information that there is circular dated 21/06/2012, by the Commissioner Co-operative and Registrar Co-operative Society, Pune, wherein, wage rate was Rs.145/- per day. The second circular was issued on 30/03/2022, wherein, wage rate was fixed as Rs.248/-, third letter dated 03/04/2024, issued by authority Commissioner महात्मा गांधी ग्रामीण रोजगार हमी योजना, wherein, the wage rate was given as Rs.297/-. The resolution of Scrutiny Committee was of dated 22/01/2020 and registration certificate dated 02/03/2020, both are prior to 30/03/2022, which is the date of circular, wherein, wage rate was fixed as Rs. 248/-. Thus, the decision is governed by circular dated 06/12/2008, modified by corrigendum on 20/06/2012, wherein, wage rate was fixed as Rs.145/-. As such, there was no any illegality in the registration of the Societies whose proposal were within time as prescribed by the

Hon'ble Apex Court dated 04/10 /2019.

27. Shri Borkar, learned Counsel for petitioner in Writ Petition No. 2257/2024, relied on *L & N. Mishra Institute of Economic Development and Social Change Patna* (Supra), in support of his contention that fundamental right guaranteed under Article 19 (1)(c) does not extend to or embrace within it the objects or purpose or the activities of association, court held that it does not carry with it a further guarantee that the objects or purposes or activities of an association so formed shall not be interfered with by law except on grounds as mentioned in Article 19(4), namely, sovereignty and integrity of India or public order or morality.

28. The learned Counsel Shri Ghare, for respondent No. 7, Federation relied on *Shraddha Commercial Premises Co-operative Society* (supra), contending that petitioner being proposed society does not possess the legal right to maintain the petition. This Court observed in paragraph No.6 as under :

“6. It is undisputed that the petitioner-society is not a registered co-operative society and is merely a proposed co-operative society. A proposed Co-operative society

does not possess an independent legal identity. It is only after the co-operative society is registered it has a status of a body corporate. All the privileges and rights enjoyed by the registered society cannot be availed of if the society is not registered.”

29. However, in my considered opinion, the Society is registered one though its registration was cancelled by applying subsequent circulars which is not permissible. Thus, the impugned order is unsustainable. This objection is raised at belated stage, specifically when, the matter twice agitated up to the Hon'ble Apex Court by the same Society. This Court is of firm opinion that the order passed by the respondent No.1, State of Maharashtra through its Minister of Co-operation Marketing and Textile Department dated 15/03/2024, in Revision No. 207/2021, is erroneous, perverse and contrary to law position which is liable to be quashed and set aside. Accordingly, I proceed to pass the following order :

ORDER

- (i) Writ Petition Nos. 1990/2024, 2257/2024 and 5795/2024 are allowed.
- (ii) The impugned order dated 15/03/2024, passed by respondent No.1, in Revision Application No. 207/2021, are hereby quashed and set aside.

(iii) The decision of the Divisional Scrutiny Committee, dated 22/01/2020, in Writ Petition Nos. 1990/2024 and 2257/2024 and decision of the Divisional Scrutiny Committee dated 15/07/2020 in Writ Petition No. 5795/2024 and registration certificate issued on 02/03/2020, in Writ Petition Nos. 1990/2024 and 2257/2024 and registration certificate issued on 05/08/2020, in Writ Petition No. 5795/2024, are hereby restored. No order as to cost.

(Smt. M.S. Jawalkar, J.)

At this stage, learned Counsel for respondent No.7 seeks relief of stay of operation of the present judgment for four weeks, so as to avail appropriate remedy.

The effect and operation of the present judgment is stayed for another four weeks. After four weeks the present order of stay shall stand vacated automatically.

(Smt. M.S. Jawalkar, J.)

Jayashree..