

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.273 OF 2002

1. Vividha Urban Co-operative  
Credit Society Limited,  
Navelim, Bicholim, Goa,  
through its Chairman,  
Shri Gurudas P. Gauns,  
resident of Navelim,  
Sankhali-Goa;
2. Shri Gurudas P. Gauns,  
Chairman, Vividha Urban  
Co-operative Credit  
Society Limited, resident  
of Navelim,  
Sankhali-Goa;
3. Shri Gokuldas R. Gaonkar,  
Vice-Chairman, Vividha  
Urban Co-operative Credit  
Society Ltd. resident of  
Panchayat Colony,  
Velguem-Goa;
4. Shri Sakhs Malik,  
Director (co-opted),  
Vividha Urban Co-operative  
Credit Society Ltd.,  
resident of Sankhali-Goa;
5. Shri Digambar A. Naik,  
Director, Vividha Urban  
Co-operative Credit Society  
Limited, resident of  
Sankhali-Goa;
6. Shri Pratap P. Gauns,  
Director, Vividha Urban Co-  
operative Credit Society  
Limited, resident of  
Sankhali-Goa..... PETITIONERS.

VERSUS

1. The Registrar of Co-  
operative Societies &  
Ex-Officio Joint  
Secretary, Government  
of Goa, having office  
at Panaji-Goa;
2. State of Goa,  
through its Chief Secretary,

having office at Secretariat,  
Panaji-Goa..... RESPONDENTS.

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Mr. M.S. Sonak and Mr. D. Pangam, Advocates for the  
Petitioners.

Mr. V.P. Thali, Addl. Advocate General, with Ms. S.  
Linhares, Addl. Government Advocate, for the  
Respondents.

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**CORAM : S. RADHAKRISHNAN, J.**

DATED : AUGUST 30, 2002.

ORAL JUDGMENT

Heard the learned Counsel for the  
Petitioners and the learned Addl. Advocate General  
on behalf of the Respondents.

2. Rule. Rule made returnable  
forthwith. The learned Addl. Advocate General  
waives service on behalf of the Respondents. By  
consent taken up for hearing forthwith.

3. The Petitioner Society has  
challenged the Show Cause Notice dated 14th August,  
2002 issued under sub-section (1) of Section 78 of  
the Maharashtra Co-operative Societies Act, 1960.  
This is only at the stage of Show Cause Notice.  
Under these circumstances, it will not be proper to  
stay this notice or quash the notice. The

Petitioner should show cause with regard to the aforesaid Show Cause Notice. Only the learned Counsel for the Petitioner submits that the Petitioner has been directed to appear before the concerned Authority on 2nd September, 2002. Instead, the learned Counsel for the Petitioner prays that the Petitioner be allowed to appear on 9th September, 2002 at 11.00 a.m. so as to make their submissions with regard to the aforesaid Show Cause Notice. In the aforesaid Show Cause Notice, main grievance appears to be that elections have not been held in time. It appears, in fact, that even before the issuance of Show Cause Notice on 10th August, 2002, the Petitioner Society had resolved to hold the elections and the appropriate election programme has also been communicated to the Registrar by their letter dated 18th August, 2002. The Petitioners are permitted to appear before Respondent No.1 on 9th September, 2002 at 11.00 a.m. to make their submissions with regard to the aforesaid Show Cause Notice.

4. In the aforesaid circumstances, in the event the Respondent No.1, after hearing the Petitioner No.1, is inclined to appoint an Administrator, the said Order of appointment of Administrator shall not be given effect to for a

period of fifteen days from the date of communication thereof to the Petitioner.

5. Rule is accordingly made absolute. Parties, including the Registrar, to act on a true copy of this Order duly authenticated by the Court Associate.

**S. RADHAKRISHNAN, J.**

ac.