

ORDER BELOW EXH. C-4
(Dtd. 11/09/2025)

- 1) This application is filed by respondent for dismissal of application for want of leave / permission under Section 107 of Maharashtra Cooperative Societies Act, 1960.
- 2) The applicant did not reply, therefore, application was kept for without reply. Both parties failed to advance argument on merit. Hence, application was kept for order on merit.
- 3) The respondent has claimed that Liquidator is appointed by order dtd. 07/12/2016 and he has taken charge on 01/04/2017 on respondent No. 1 factory. According to the respondent in view of provisions of Section 107 of the MCS Act, 1960 no Court shall take cognizance of any matter connected with the winding up or dissolution of the society and when the winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society or the Liquidator except by leave of Registrar and subject to such terms and he may impose. This application is filed without obtaining leave of Registrar. Hence, the application deserves to be rejected.
- 4) In view of statement of respondent the obtaining of leave for filing of matter connected with the winding up for dissolution of society and leave is required with respect to the winding up or

dissolution of society. The applicant has claimed gratuity amount against the respondent under the provisions of Section 4 of Payment of Gratuity Act and therefore, there is no substance in claiming that the leave is not obtained. The leave is not required to be obtained for claiming gratuity amount and the provisions specifically contemplates that the leave is required to be obtained for any matter connected with the winding up or dissolution of society. There is no such case or matter before this Court which requires to be decided the process of winding up or dissolution of society. Hence, the application for dismissal of gratuity application is not tenable and deserves to be rejected. Consequently, I proceed to pass following order;

ORDER

- 1) Application stands rejected.
- 2) Parties to take note thereof.

(Typed and declared in open Court)

(D. S. Khedekar)

Place: Aurangabad
Date : 11/09/2025

Controlling Authority under PGA & Judge,
Labour Court-1, Aurangabad.