



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

INTERIM APPLICATION NO.480/2026

WITH

WRIT PETITION NO. 4194/2025

**Dr. Balasaheb Shende Vs. State of Maharashtra thr. Its Secretary Co-
operation and others**

WITH

INTERIM APPLICATION NO.479/2026

WITH

WRIT PETITION NO. 4249/2025

**Shriram Sahakari Sakhar Karkhana Vs. State of Maharashtra through
Secretary of Department of Textile**

WITH

INTERIM APPLICATION NO.478/2026

WITH

WRIT PETITION NO. 4238/2025

**Shriram Sahakari Sakhar Karkhana Vs. State of Maharashtra through
Secretary of Department of Textile**

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Mr. V.S. Talkute, a/w Mr. Pradeep Salgar, i/b Mr. Aditya Joshi, Advocate
for the Petitioner/applicants except in WP (St.) No.9177/2025 in IA (St.)
No.2861/2026, 2859/2026 and 2858/2026

Mr. A.Y. Sakhare, Senior Counsel a/w Mr. V.M. Mali, Ms. T.J. Kapre, Mr.
S.B. Kalel, AGP for Respondent – State in WP No.4194/2025 IA
No.480/2026, WP No.4249/2025 IA No.479/2026 and WP
No.4238/2025 IA No.478/2026

Mr. Rushikesh Barge, a/w V.S. Ghatge, Advocate for respondent No.8 in
IA (St) No.2861/2026 in WP No.4194/2025, for respondent No.6 in IA
(St.) 2858/2026 in WP No.4238/2025

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**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 05.05.2026.

P.C. :

1. Heard Mr. V.S. Talkute, learned counsel appearing for the
applicant/petitioner, Mr. A.Y. Sakhare, learned Senior counsel appearing



for the respondent/State and Mr. Rushikesh Barge, learned counsel for respondent No.8 in Interim Application St. No.2961/2026 in WP No.4194/2025, for respondent No.6 in IA (St.) 2858/2026 in WP No.4238/2025.

2. In all these interim applications, the same relief has been sought. Mr. V.S. Talkute, learned counsel appearing for the applicant states that at this stage, the applicants are seeking alternate prayer clause (b), which reads as under:

“b. That this Hon'ble Court be pleased to permit the present Applicant to call and/or conduct and/or convey the Special General Body Meeting of its members to enable to take all necessary decisions for appointment of the such entity/person/firm and enter into Lease Agreement and/or Partnership Deed and/or any such Agreement for appointment of entity and/or person for conducting the functions of the sugar factory namely Shriram Sahkari Sakhar Karkhana owned by the Applicant.”

3. It is the submission of Mr. Talkute, learned counsel appearing for the applicants, that the functioning of the applicant sugar factory has come to a standstill, as the sugar factory had entered into a partnership deed and the managing partner, by unilaterally addressing a letter dated 26.02.2026, has terminated the partnership deed with effect from 01.03.2026. He therefore submits that the working of the said Karkhana has come to a standstill. He further submits that in these circumstances, it is necessary that prayer clause (b) be granted.



4. On the other hand, Mr. Sakhare, learned Senior counsel appearing for the State, and Mr. Barge, learned counsel appearing for respondent No. 8, submitted that, in view of the amendment to Section 73-AAA of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred as “the said Act”), carried out by the Maharashtra Co-operative Societies (Amendment) Act, 2026 (hereinafter referred as “the Amendment Act”), no relief can be granted. It is further submitted that the applicant has not stated that the Government Resolution dated 08.09.2020 will be followed by the petitioner.

5. As far as the first contention concerning the amendment to Section 73-AAA is concerned, it is required to be noted that, by the amendment, the first proviso to Sub-section (3) of Section 73-AAA has been deleted. Insofar as the second proviso to Sub-Section (3) of Section 73-AAA is concerned, it has been made clear that the same will not apply to “Type A” societies.

6. However, it is pertinent to note that the challenge in this writ petition is to the order dated 20.03.2025 passed under Section 77A(1)(b) of the said Act. By the said order, respondent No. 2 – Regional Joint Director (Sugar), by exercising of powers under Section 77A(1)(ii) of the said Act, has appointed an Administrator to conduct the affairs of the applicant sugar factory.

7. The said order has already been stayed by a detailed order passed by a Co-ordinate Bench of this Court on 27.03.2025. The said order reads



as under:

“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."

8. It is an admitted position that the said order has not been challenged by any of the parties, and no application has been filed seeking vacating the said interim relief granted by this Court. Thus, this is a case where the interim order passed by this Court is still operating. The contention that the work of the said sugar factory has come to a standstill is not controverted by any of the respondents.

9. Apart from the contention raised on the basis of the Amendment Act, the other contention raised by Mr. Sakhare, learned Senior counsel and Mr. Barge, learned counsel is that the sugar factory has to follow the mandatory Government Resolution dated 08.09.2020. There is substance in the said contention.



10. Accordingly, the Interim Application is allowed in terms of prayer clause (b), subject to compliance with the Government Resolution dated 08.09.2020.

11. The Interim Application stands disposed of in the above terms, with no order as to costs.

12. The other Interim Applications seeking same prayer are also disposed of in the above terms.

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by RANJANA
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[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]

R.S. Sahare