

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.464 of 2008

SHRI VITHAL SHETKARI SAHAKARI SUT G.LTD. Appellant(s)

VERSUS

MAHADEO PARMESHWAR MALI & ORS. Respondent(s)

O R D E R

A policy decision was taken by the Government of Maharashtra on 07.10.2003 that the spinning mills which are registered but have not received financial assistance from the Government should be permitted to convert into any other project. Pursuant to the policy decision, the order by which a provisional liquidator was appointed to the appellant, was set aside on 30.09.2003. A decision was taken in a special general meeting of the appellant society to convert the society from a Co-operative Spinning Mill to a Cooperative Agricultural Produce Processing Unit.

The appellant proposed amalgamation of the spinning mill with Sahakari Sheti Mal Prakriya Sanstha, Opancharpur which was objected to by some members. They sought refund of their shares before permission for conversion was granted. The Regional Deputy Director,

Textiles, Solapur issued notice on 15.08.2004 to respond to the objections raised by the members. The appellant did not appear before the Regional Deputy Director, Textiles, Solapur.

The respondents filed a writ petition in the High Court of Judicature at Bombay seeking refund of their share amounts before conversion was permitted. The High Court allowed the writ petition and directed Respondents 6 and 7 not to permit conversion/amalgamation before payment of the share amount was made to the respondents and other similarly situated persons.

We are not inclined to interfere with the judgment of the High Court as the same is in accordance with Section 17 of the Maharashtra Co-operative Societies Act and the Rules framed thereunder. The claims made by the objectors have to be considered by the appellant and the payment be made in accordance with law before the conversion or amalgamation.

The appeal is accordingly, dismissed. Pending application, if any stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
24th October, 2019

ITEM NO.101

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).464/2008

SHRI VITHAL SHETKARI SAHAKARI SUT G.LTD.

Appellant(s)

VERSUS

MAHADEO PARMESHWAR MALI AND ORS.

Respondent(s)

Date : 24-10-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s) Mr. Rabin Majumder, AOR
Mr. S.K.Bandyopadhyay, Adv.

For Respondent(s) Ms. Qurratulain, Adv.
Mr. Brij Kishor Sah, Adv.
Mr. Aaryan Pareek, Adv.
Mr. Shivaji M. Jadhav, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Anoop Kandari, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the
signed order. Pending application, if any stand
disposed of.

(B.Parvathi)
Court Master

(Sunil Kumar Rajvanshi)
Court Master

(Signed order is placed on the file)