

ITEM NO.13

COURT NO.17

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

Petition(s) for Special Leave to Appeal (C) No(s).7089/2025

[Arising out of impugned final judgment and order dated 30-01-2025 in WP No.12987/2018 passed by the High Court of Judicature at Bombay]

SUNIL & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 63024/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 63025/2025 - EXEMPTION FROM FILING O.T.)

Date : 21-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Amol B. Karande, AOR
Mr. Vishal Jogdand, Adv.
Ms. Drishti, Adv.
Mr. Tanay, Adv.
Mr. S. Aditya, Adv.

For Respondent(s)

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

Having heard learned senior counsel appearing for the petitioners, let notice be issued limited to the issue as to whether the ground for amendment which has been brought about by the Maharashtra State Legislature with regard to reducing the number of Directors in a Co-operative Society from 36 to 21 is legally sustainable. The argument is that this amendment was

brought about only to bring it in line with the Central Amendment which had the same effect. The distinction which learned senior counsel has pointed out is that in a judgment of this Court in *Union of India vs. Rajendra N. Shah and Anr.* 2021 SCC OnLine SC 474, it has been held that the said amendment by the Central Government was restricted only to Multi-State Co-operative Societies and not to State Co-operative Societies, which is the category to which the Society of the petitioner belongs. Thus, learned senior counsel contended that in such view of the matter, unless the legislature takes an independent and conscious decision after considering the interest of all stakeholders, the said reduction is neither justified nor fit to be upheld. It was submitted that the Government Order issued by the State of Maharashtra speaks only about the amendment by the State Government which was brought about solely on the ground of the 97th Constitutional Amendment by the Central Government.

2. Learned senior counsel for the petitioners is permitted to serve the Standing Counsel for the State of Maharashtra.

3. Learned senior counsel for the petitioner is also permitted to delete the name of respondent no.4 from the array of parties and the same shall be restricted only to the concerned Department and Corporation. The same be done by 24.03.2025.

4. List on 25.04.2025.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)