

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 14294/2021  
(Arising out of impugned final judgment and order dated 24-08-2021  
in WP No. 5656/2020 passed by the High Court of Judicature at  
Bombay at Aurangabad)

ASHOK CO OPERATIVE SUGAR FACTORY &amp; ORS.

Petitioner(s)

VERSUS

VISHNUPANT EKNATH KHANDAGALE &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.115063/2021-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.115065/2021-EXEMPTION FROM  
FILING O.T. )

Date : 12-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R. SUBHASH REDDY  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR  
Mr. Mahesh P. Shinde, Adv.

For Respondent(s) Mr. Ravindra Keshavrao Adsure, AOR  
Mr. Ajit Babanrao Kale, Adv.  
Mr. Sidheshwar Namdev Biradar, Adv.  
Mr. Anand Dilip Landge, Adv.  
Ms. Sakshi Ajit Kale, Adv.  
Mr. Yash Prashant Sonavane, Adv.

Mr. Kapil Sibal, Sr. Adv.  
Mr. Rahul Chitnis, Adv.  
Mr. Sachin Patil, AOR  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph, Adv.

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

We have heard learned Mr. Sudhanshu S. Choudhary, learned  
counsel for the petitioners, Mr. Ravindra Keshavrao Adsure, learned  
counsel for respondents and Mr. Kapil Sibal, learned senior counsel  
for the State of Maharashtra.

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During the course of hearing, the learned counsel for the parties have brought to our notice the Maharashtra Ordinance No. IX of 2021 which amends the provisions of Maharashtra Co-operative Societies Act, 1960. By virtue of the said Ordinance in Section 73AAA of the Maharashtra Co-operative Societies Act, 1960, in sub section 3, before the existing proviso, the following proviso is added:

"Provided that, if the term of office of the elected members of the committee and its office bearers has expired, and if the election to the committee of the society could not be held due to imposition of lockdown in the State in view of the Covid-19 pandemic, the orders issued by the Government, from time to time, or any reason not attributable to the members of the committee of the society, such members and office bearers of the committee shall be deemed to have continued as members and office bearers of the committee till new committee is duly constituted."

In view of the same, the order passed by the High Court cannot be sustained. The Special Leave Petition is disposed of by setting aside the order dated 24.08.2021 passed by the High Court of Judicature at Bombay, Bench at Aurangabad. At the same time, if the above said Ordinance is questioned, it is open for the High Court to consider the same on its own merits.

Pending application(s) shall stand disposed of.

(RAJNI MUKHI)  
COURT MASTER (SH)

(DIPTI KHURANA)  
COURT MASTER (NSH)