



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.299/2026

SHRI KASHINATH SHIVRAM NAIK

Aged 49 years,

r/o House No. 1015, Khadap Wada,

Kumbharjua Goa.

... PETITIONER

Versus

1. STATE OF GOA,
Through Chief Secretary,
Secretariat, Porvorim,
Bardez, Goa

2. REGISTRAR OF COOPERATIVE
SOCIETIES, Government of Goa
through its Registrar,
Office of the Registrar of Co-operative
Societies, Patto, Panaji, Goa.

3. THE GOA STATE CO-OPERATIVE
MARKETING & SUPPLY FEDERATION
LTD, Through its Chairman,
Committee of Administrators,
Panaji, Goa.

... RESPONDENTS

Mr S. D. Lotlikar, Senior Advocate with Mr Terence Sequeira,
Advocate for the Petitioner.

Mr Neehal Vernekar, Addl Govt Advocate for the State.

Mr S. D. Padiyar, Senior Advocate with Mr Prayash Shirodkar and
Ms Neha Bhobe, Advocates for Respondent No.3.

CORAM: VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

DATED: 1st OCTOBER 2026

ORAL JUDGMENT : (Per Valmiki Menezes, J.)

1. Heard Mr S. D. Lotlikar, learned Senior Advocate for the Petitioner, Mr Neehal Vernekar, learned Additional Government Advocate for the State and Mr S. D. Padiyar, learned Senior Advocate for Respondent No.3.

2. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned counsel for the parties.

3. The challenge in this Petition is to an Order dated 29.04.2025 passed by the Board of Directors of Respondent No.3 – The Goa State Co-Operative Marketing and Supply Federation; the Petition also throws a challenge to an Order dated 25.04.2025 passed by the Registrar of Co-operative Societies directing the Board of Directors to suspend the Petitioner, who is the Managing Director appointed by the Board of the Respondent No.3.

4. After hearing this Petition at length, on instructions, Mr Vernekar, learned Additional Government Advocate submits that the Registrar of Co-operative Societies – Respondent No.2 would be issuing a notice of withdrawal of the Order dated 25.04.2025. Considering this statement made today, we proceed on the basis that the challenge to the Order of the Registrar dated 25.04.2025 has now worked itself out and is rendered infructuous.

5. We therefore proceed to examine whether the order of suspension dated 29.04.2025 issued by the Committee of

Administrators of Respondent No.3 requires to be set aside, on the submission pressed forth by the Petitioner that the decision of the Board is entirely based upon the directions of the Registrar contained in the order dated 25.04.2025, which now stands withdrawn.

6. During the course of the hearing of this matter, Mr Padiyar, learned Senior Advocate for Respondent No.3 has placed on record the Resolution/Minutes of the Committee of Administrators which is dated 29.04.2025, in which the decision was taken. We take note of the fact that the decision has been taken, not by the Directors of the Board of the Co-operative Societies, but by a panel of Administrators appointed by the Registrar of Co-operative Societies, in supersession of the Board. We also take note of the fact that in the meantime, during the pendency of this Petition, the elections to a new Board of Co-operative Societies was held, and the new Board of Directors, 7 in number, have been elected on 04.09.2026 and taken charge on 12.09.2026. We therefore expect that during the period of suspension of the Managing Director i.e. the Petitioner herein, from 29.04.2026 till date, all books and other documents of the Society ought to be in the possession of the newly elected Board of Directors. Mr Padiyar has also placed on record a copy of the charge-sheet dated 08.06.2026 issued to the Petitioner. Strangely, Registrar of Cooperative Societies had issued an order dated 14.01.2026 appointing one Mrs Shama J. Arondekar, Registrar of Cooperative Societies (Tech) & DLI-North as Inquiry Officer to conduct an inquiry into the allegations of fraud in the Respondent No.3. There is however no order appointing any

Inquiry Officer for conducting an inquiry into the charge-sheet now issued on 08.06.2026.

7. We have perused the minutes of the meeting held by the panel of Administrators on 29.04.2025, what is evident from the minutes is that there is no discussion or decision recorded by the Administrators based upon the material which now forms the material for levelling charges against the Petitioner; the decision appears to be solely based upon the directions of the Registrar of Co-operative Societies, directing the panel of Administrators to suspend the Petitioner. In fact, if one peruses the communication of the Registrar of Co-operative Societies which is dated 25.04.2025, addressed to the panel of Administrators, it is the Registrar who claims to have perused the material which constitutes the basis for the direction to suspend the Petitioner. The communication is clearly beyond the powers vested in the Registrar to issue such a direction, as no such power is vested in him under any provision of the Goa Co-operative Societies Act, 2001. Advisedly therefore, the Registrar has now withdrawn the communication dated 25.04.2025 directing the Petitioner's suspension. Consequently therefore, we are of the opinion that the decision of the panel of Administrators dated 29.04.2025, issuing the impugned suspension order, was purely on the basis of the directions issued by the Registrar, which have now been withdrawn. We therefore quash and set aside the decision of the panel of Administrators dated 29.04.2025. All consequences of setting aside the impugned order of suspension would obviously follow.

8. Rule is made absolute in terms of prayer clauses (a) and (b) to the Petition.

9. We however make it clear that since there is now an elected Board of Directors in place, passing of this Judgment shall not preclude the Board of Directors from taking any further decisions, based upon the by-laws and provisions of the Co-operative Societies Act and Rules framed thereunder. This would include, if the Board decides, after considering the material in the charge-sheet, to take a resolution to suspend the Petitioner.

10. The Petition is disposed of in the above terms.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.