



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक ११(३)]

शनिवार, मार्च ९, २०१९/फाल्गुन १८, शके १९४०

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक २२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2019 (Mah. Ord. X of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

[ Translation in English of the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2019 (Mah. Ord. X of 2019), published under the authority of the Governor ].

### CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk  
Mumbai 400 032, dated the 9th March 2019.

### MAHARASHTRA ORDINANCE No. X OF 2019.

#### AN ORDINANCE

*further to amend the Maharashtra Co-operative Societies Act, 1960.*

WHEREAS, both Houses of the State Legislature are not in session ;

AND WHEREAS, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing ;

Mah.  
XXIV of  
1961.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title  
and  
commencement.

**1.** (1) This Ordinance may be called the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2019.

(2) It shall come into force at once.

Amendment  
of section 2 of  
Mah. XXIV of  
1961.

**2.** In section 2 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the principal Act”), in clause (17), after the words “liquidator under this Act” the words and figure “and includes Board of persons appointed as Liquidator under sub-section (1) of section 103 of this Act” shall be added. Mah. XXIV of 1961.

Amendment  
of section 81  
of Mah. XXIV  
of 1961.

**3.** In section 81 of the principal Act,—

(a) in sub-section (3),—

(i) in clause (b), after the words “for further action, if any.” the words “The provisions of this Act as applicable to audit of accounts of the society shall apply to such examination by the Flying Squad.” shall be added at the end;

(ii) in clause (c), after the words “by the Registrar in such order.” the words “The provisions of this Act as applicable to audit of accounts of the society shall apply to such test audit.” shall be added at the end;

(b) in sub-section (7), after the words “Special Audit Report.” the words “ The provisions of this Act as applicable to the audit of accounts of the society shall apply to such special audit.” shall be added at the end.

Amendment  
of section 92  
of Mah. XXIV  
of 1961.

**4.** In section 92 of the principal Act, in sub-section (1), in clause (c), after the words “nominated committee or an administrator” the words “or committee of administrators” shall be inserted.

Amendment  
of section 103  
of Mah. XXIV  
of 1961.

**5.** In section 103 of the principal Act, in sub-section (1), after the words “ appoint a person ” the words “ or the Board of persons ” shall be inserted.

Amendment  
of section  
110A of  
Mah. XXIV of  
1961.

**6.** In section 110A of the principal Act, in sub-section (1),—

(1) in clause (iii),—

(a) after the words “appointment of an administrator” the words “or committee of administrators” shall be inserted ;

(b) after the words “In case of supersession, an administrator” the words “or committee of administrators” shall be inserted ;

(c) after the words “suspension and direct the administrator” the words “or committee of administrators” shall be inserted.

(2) in clause (iv), after the words “ appointment of an administrator ” the words “ or committee of administrators ” shall be inserted.

Amendment  
of section 152  
of Mah. XXIV  
of 1961.

**7.** In section 152 of the principal Act, in sub-section (1), in clause (a), after the words “approved by the Registrar” the words “or the Special Registrar” shall be inserted.

- 8.** In section 154 of the principal Act, in sub-section (2), after the words “passed by the Registrar” the words “or the Special Registrar” shall be inserted. Amendment of section 154 of Mah. XXIV of 1961.
- 9.** In section 161 of the principal Act, after the words, figures and letters “section 73CB, or as an administrator” the words “or committee of administrators” shall be inserted. Amendment of section 161 of Mah. XXIV of 1961.
- 10.** In section 165 of the principal Act, in sub-section (2), in clause (xxxix),— Amendment of section 165 of Mah. XXIV of 1961.
- (a) after the words “for the appointment of administrator” the words “or committee of administrators” shall be inserted ;
- (b) after the words “by the committee, administrator” the words “or committee of administrators” shall be inserted.

## STATEMENT

In pursuance to the provisions of section 103 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), a Liquidator can be appointed for the winding up of a Society. Liquidator is expected to complete the Liquidation proceeding within a period of six years, however, this period may be extended upto ten years as prescribed in the Act.

It is observed that, for completing the work of Liquidation proceedings adequate number of employees of officers are not available and the concerned Liquidator, appointed for the said purpose, has to perform the duties of Liquidator in addition to his regular duties. Therefore, he may not be able to devote sufficient time for the work of Liquidation, as a result, Liquidation may not be completed within the time as prescribed in the provisions of the Act. If a Board of persons is appointed as Liquidator then, other members in the Board would devote time, so that the work of Liquidation can be undertaken speedily.

Likewise, there is a provision to appoint an administrator as per section 110A of the said Act. However, as the administrators undertakes the work under said section 110A, in addition to his regular duties, he may not be able to give adequate time for the work and, therefore, it is necessary to appoint a Committee of Administrators. For these purposes, it is expedient to amend section 2(17), 92, 110A, 161 and 165 of the Maharashtra Co-operative Societies Act, 1960, suitably.

2. With regard to the reports submitted by the Flying Squad under the Test Audit or under Special Audit, presently such reports are not considered for filling of F.I.R. as contemplated under section 81. If such provision is made, all the reports under section 81 of the said Act, shall be treated as sufficient evidence, making it possible to initiate criminal or civil proceedings in this regard, and, therefore, it is considered expedient to amend said section 81, suitably.

3. Clause (a) of sub-section (1) of section 152 of the Act provides for an appeal to the State Government in respect of the orders or decisions, under sections specified therein, if such order or decision is made by the Registrar, Additional Registrar or the Joint Registrar on whom the powers of Registrar are conferred. The said clause does not explicitly provide for appeal to the State Government in respect of the order or decision, made by the special Registrar under those sections.

Similarly, section 154 of the Act provides for the revisionary powers of the State Government in respect of the orders or decisions made by any sub-ordinate Officers. However, there is no explicit provision for revision to the State Government in respect of the orders or decisions made by the special Registrar. With a view to make explicit provisions. It is considered expedient to amend clause (a) of sub-section (1) of section 152 and sub-section (2) of section 154 of the said Act, suitably.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
dated the 9th March 2019.

CH VIDYASAGAR RAO,  
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

DINESH KUMAR JAIN,  
Chief Secretary to Government.