

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 7479 of 2013

Tundi Primary Agricultural Credit Cooperative Society & Anr.

Petitioners

.....
Versus

State of Jharkhand & Ors

...

Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners : Mr. Rajendra Krishna, Adv
Mr. Rajesh Lala, Adv

For the Respondents : Mr. P.A.S. Pati, S.C. IV
Mr. Krishna Murari, Advocate
Mr. Raj Vardhan, Advocate

5/Dated 25th March, 2021

The matter has been taken up through video conferencing.

The instant writ petition is filed under Article 226 of the Constitution of India whereby and whereunder the decision of the State Government dated 02.12.2013 for amalgamation of Dhanbad Central Cooperative Bank, Dhanbad with Jharkhand State Cooperative Bank has been questioned on the ground of non-observance of mandate as contained under Section 44 (AK) of the Jharkhand Cooperative Societies Act, 1935.

Mr. Rajendra Krishna, learned counsel assisted by Mr. Rajesh Lala, learned counsel for the petitioner on record, submits that Section 44(AK) under which provision, the decision has been taken for amalgamation of Dhanbad Central Cooperative Bank, Dhanbad with Jharkhand State Cooperative Bank is in exercise of power under Section 44(AK), as would be evident from letter dated 21.10.2013, Annexure 1 to the writ petition but according to him, the aforesaid provision specifically

provides that the decision for amalgamation only be taken with the previous sanction of the Reserve Bank of India, as would appear from Annexure 1 to the writ petition, where there is reference of “*in principle approval of the Reserve Bank of India*”. But not such decision pertaining to previous sanction of the Reserve Bank of India has been taken on record even though counter affidavit has been filed by the respondents-State on 08.01.2014, but save and except a communication of the NABARD, which only stipulates about in principle previous sanction of the Reserve Bank of India in taking decision of the amalgamation, no other document has been filed.

Mr. P.A.S. Pati, learned S.C. IV appearing the respondents-State has sought for three weeks’ time to seek further instruction in the matter and if required to file further affidavit to answer the aforesaid legal issue, as has been agitated by learned counsel for the petitioners.

Mr. Krishna Murari, learned counsel being assisted by Mr. Raj Vardhan, learned counsel appears for respondent nos. 3 and 4.

As prayed for, list this case on 22.04.2021.

Interim order, granted by the Co-ordinate Bench of this Court, dated 20.12.2013 shall remain operative till next date of hearing.

(Sujit Narayan Prasad, J.)