

**(2019) 01 GAU CK 0038**  
**In the Gauhati High Court**  
**Case No : Writ Petition (C) No. 6603 Of 2018**

Baktar Hussain

APPELLANT

Vs

State Of Assam And 12 Ors

RESPONDENT

**Date of Decision :** 21-01-2019

**Acts Referred:**

Assam Co-operative Societies Act, 2007 — Section 36(4), 39, 41, 41(2), 41(6), 43(1), 43(2), 43(3), 43(4), 43(7)  
Indian Penal Code, 1860 — Section 406, 420  
Constitution Of India, 1950 — Article 226

**Citation :** (2019) 01 GAU CK 0038

**Hon'ble Judges :** Kalyan Rai Surana, J

**Bench :** Single Bench

**Advocate :** M J Quadir

**Final Decision :** Dismissed

## Judgement

(1) Heard Mr. M.J. Quadir, learned counsel for the petitioner, Dr. B. Ahmed, learned standing counsel for the Cooperation Department, Mr. B.C Das, learned Senior Counsel, assisted by Ms. A. Ahmed, learned counsel for respondent No.5 and Mr. A.M. Barbhuiya, the learned counsel for the respondents No. 6 to 13.

(2) By this writ petition under Article 226 of the Constitution of India, the petitioner has prayed for setting aside, (i) the order dated 14.09.2018 passed by the Zonal Joint Registrar of Cooperative Societies, Silchar, (ii) the notice dated 07.09.2018 issued by the Secretary, Mangalpur, Boalihawar Cooperative Societies Ltd. (respondents No. 5) and Jahural Islam Laskar (respondent No.6), and (iii) report dated 24.09.2018 submitted by the Assistant Registrar of Cooperative Societies, Cachar (respondent No.3) to the Registrar of Cooperative Societies, Assam (respondent No.2).

(3) At the outset, Mr. B.C. Das, learned Senior Counsel for the respondent No.5 as well as Mr. A. M. Barbhuiya, learned counsel for the impleaded respondents No. 6 to 13 have both made a preliminary submission before this Court that

during the pendency of this writ petition, the mandatory Annual General Meeting ("AGM" for short), which is required to be held within 6 (six) months from the end of financial year was not held in terms of the mandate of Section 39 of the Assam Co-operative Societies Act, 2007 (hereinafter referred to as "2007 Act") and therefore, there being no provision in the 2007 Act envisaging extension of time to hold the AGM, not only the petitioner has ceased to be the Chairman and one of the members of the BOD, but in the process now the entire BOD stands dissolved by operation of Section 41 read with section 39 of the 2007 Act. Hence, it is submitted that now this writ petition has become infructuous.

(4) The case of the petitioner in short is that in the election held on 20.11.2016, he along with fourteen others were elected as the Board of Directors of Mangalpur Boalihawar Cooperative Society Ltd. The result of the said election was approved by the Assistant Registrar of Cooperative Societies, Cachar (i.e. Respondent No.3) on 23.11.2016. In the first meeting of the BOD held on 28.11.2016, the petitioner was elected as the Chairman of the said Society. The said minutes of the said first BOD meeting dated 28.11.2016 was approved by the respondent No.3 on 03.12.2016. It is projected that within the time permitted under Section 43(1) of the 2007 Act, BOD meetings of the said Society were held on 09.05.2017, 22.05.2017, 01.06.2017 and 05.08.2017. However, the respondent No. 6 along with five other BOD members had submitted a complaint dated 04.07.2017 to the respondent No.3 that the petitioner had failed to hold the Board meeting after 05.08.2017 as per Section 43(1) of the 2007 Act, which prescribes that the difference between two consecutive meeting of the Cooperative Society should not exceed 120 days. On such complaint, by order dated 08.12.2017, the respondent No.3, without hearing the petitioner, had held that the petitioner and the Vice-Chairman of the Society had respectively ceased to be the Chairman and Vice-Chairman and further direction was issued to the remaining Board of Directors to elect/ select new Chairman and Vice-Chairman from amongst themselves by calling a special BOD meeting. Accordingly, the BOD meeting was held on 17.12.2017 and the respondent No.6 was elected as the Chairman of the said Society. The petitioner had challenged the said order dated 08.12.2017 of the respondent No.3 by filing a writ petition before this Court, being W.P.(C) 7898/2017 and this Court, after hearing the learned Counsel for the parties, by order dated 18.12.2017, allowed the aggrieved party to present his appeal before the Registrar of Co-operative Societies, ssam (i.e. respondent No.2) to challenge the order dated 08.12.2017 of the respondent No.3, further observing therein that if such appeal was filed within 7 (seven) days, the appellate authority should consider the same on merit and pass appropriate order within 4 (four) weeks thereafter and it was also directed that until the appeal was decided, the election of the new Chairman in the consequential meeting held on 17.12.2017 will not be operational.

(5) In the appeal preferred by the petitioner before the respondent No.2, the said authority by order dated 18.01.2018, had quashed the order dated 08.12.2017 of the respondent No.3, wherein a direction was issued to the effect

that the petitioner and the Vice-Chairman would continue to function as Chairman and Vice-Chairman of the said Society. Aggrieved by order dated 18.01.2018 of the respondent No.2, the respondent No.6 had filed a writ petition before this Court, being W.P.(C) No. 359/2018 and on the submission made by the learned counsel for the respondent No.6, this Court had disposed of the said writ petition as infructuous by order dated 14.05.2018. Thereafter, the respondent No.3 had submitted a report to the respondent No.2 to the effect that the said Society, in its BOD meeting held on 31.05.2018, had adopted a resolution to the effect that the petitioner had ceased to be a Director as per Section 43(7) of the 2007 Act for being absent in more than three consecutive meetings held on 05.04.2018, 16.04.2018, 20.04.2018 and 27.05.2018 and that after removing the petitioner as Chairman under Section 43(3) of the 2007 Act, the respondent No.6 was allowed to function as Chairman of the Society. Thereafter, on 31.07.2018, the petitioner had filed an appeal before the Zonal Joint Registrar of Cooperative Society, Silchar (i.e. respondent No.4) and the said authority heard the parties on 16.08.2018. In the meanwhile, the respondent Nos. 5 and 6 had issued a notice dated 07.09.2018 to hold the AGM on 22.09.2018. Thereafter, by order dated 14.09.2018, the respondent No. 4 had held that the petitioner had ceased to be the Chairman and the Director of the said Society along with six others as per the 2007 Act. Be it stated that the respondent No.5 as well as the respondents No. 7 to 13 had filed separate I.A.s, being I.A.(C) No. 3643/2018 and I.A. (C) No. 4176/2018 for vacation, alteration and/ or modification of the interim order dated 21.09.2018 passed by this Court by virtue of which the impugned order dated 14.09.2018 and all consequential steps pursuant thereto was stayed, further permitting the petitioner to continue to remain as Chairman of the Society until further orders. Be it also mentioned herein that the petitioner has also filed I.A.(C) No. 4188/2018 to permit him to hold AGM within such time as may be allowed by this Court.

(6) The learned counsel for the petitioner has submitted that the respondent Nos. 5 and 6 had teamed up with respondent Nos. 7 to 13, who had impleaded themselves in this case by virtue of order dated 04.12.2018 in I.A.(C) 3718/2018 and that by hatching a conspiracy, the said respondents did not allow the petitioner to effectively discharge the affairs of the said Society. It is submitted that the respondent No. 5 was an employee of the said Society and therefore, it was not open for the said respondent No.5 to file I.A.(C) 3643/2018 for vacating the interim order passed by this Court on 21.09.2018 as he cannot be said to be an "aggrieved person", not being the elected member of the BOD. The learned counsel for the petitioner has also submitted that owing to strong suspicion, an FIR was lodged before the Officer-in-Charge of Kachudaram P.S. on 19.04.2018 to the effect that the respondent No.5 had misappropriated of a sum of Rs.3,38,000/-, which was registered as Kachudaram P.S. Case No. 31/2018 under Section 420/ 406 IPC, which, according to the learned counsel for the petitioner, was the main reason for conspiracy between the respondent Nos. 5 to 13. It is submitted that a BOD meeting was called on 05.04.2018, but the said

meeting had to be suspended on the request of the O/c., Kachudaram P.S. for law and order situation, which was beyond the control of the petitioner. Accordingly, by a notice dated 16.04.2018, the members of BOD were informed that the suspended meeting of 05.04.2018 would be held on 20.04.2018 at 2.30 PM. at the office of the Society and accordingly, the BOD meeting was held on 20.04.2018 and, as such, it is submitted that the respondent No.3 as well as the respondents No. 5 to 13 had falsely projected that BOD meetings were not held within the prescribed time and in this regard, the learned counsel for the petitioner has referred to the copy of resolution dated 05.04.2018, notice dated 16.04.2018, minutes of BOD meeting held on 20.04.2018, 21.09.2018, 07.10.2018, 13.10.2018 and 24.10.2018 available with the pleadings on record. It is further submitted that the certified copy of the interim order dated 21.09.2018 passed by this Court in this writ petition was supplied only on 29.09.2018. However, in the meanwhile, the AGM of the said society was convened on 22.09.2018. But in view of this writ petition, the meeting was postponed by resolving that further action would be taken as per decision of this Court. Hence, it is submitted that the allegation that no AGM was convened within the period of 6 (six) months of the close of the financial year is not sustainable and, as such, the BOD had remained a validly constituted Board with the petitioner as its Chairman. The learned counsel for the petitioner has further submitted that this Court by order dated 21.09.2018, had allowed the petitioner to function as Chairman, but as there was some delay in receiving the certified copy of order, the AGM convened on 22.09.2018 had to be adjourned, as such, the learned counsel for the petitioner has relied on the maxim of "actus curiae neminem gravabit" which means that a litigant should not suffer due to the act of the court. The learned counsel for the petitioner has pressed I.A.(C) 4188/2018 for allowing the petitioner to hold AGM of the said Society for the year 2018-19. In support of his submissions the learned counsel for the petitioner had relied on the case of Jang Singh Vs. Brijlal and others, AIR 1966 SC 1631.

(7) Per-contra, Dr. B. Ahmed, learned Standing Counsel for the Cooperation Department i.e. Respondents No.1 to 4 has submitted that in the present case in hand, the BOD members had adopted 3 three successive attack to oust the petitioner from acting as a Chairman of the said Society, firstly, by calling a no-confidence motion as provided under section 36(4) of the 2007 Act, and secondly, to oust the petitioner section 41(2) of the 2007 Act was invoked, which requires that 2 subsequent Board meetings must be held within a gap of 120 days and thirdly, the respondents No.5 to 13 are pressing the provisions of Section 39 of the 2007 Act, which leads to the dissolution of the BOD if no AGM is held within a period of 6 months from the expiry of the last financial year, which cannot be extended another any circumstances, as held by this Court. It is also submitted that a fall out would be that a fresh election is held under a 1 (one) man Committee to be appointed by the Registrar of Co-operative Societies (Respondent No.2). It is also submitted that as the Standing Counsel for the Cooperation Department, he is merely assisting this Court by referring to the

various legal provisions and the only anxiety of the State is that the affairs of the Mangalpur Boalihawar Co-operative Society Limited should be run smoothly to cater to greater public interest as per the scheme of the 2007 Act and Rules framed thereunder. The learned Standing Counsel for the Co-operation Department has placed reliance on the following cases:-

1. Abdur Razzaque Vs. Monir Uddin Ahmed & ors., Civil Appeal Nos. 10051-10052 of 2014, decided by Hon'ble Supreme Court of India on 07.11.2014.
2. Shahirul Islam & 2 ors. Vs. The State of Assam & 5 ors., W.P.(C) No. 6918/2017, decided by the Division Bench of this Court on 12.10.2018.
3. Abbdur Rahman & 3 ors. Vs. Rofiqul Islam & 4 ors., W.A. 111/2015 decided by the Division Bench of this Court on 02.06.2015.
4. Rofiqul Islam Vs. State of Assam & 3 ors., W.P.(C) 2343/2015 decided on 24.04.2015.

(8) Per-contra, the learned Senior Counsel for the respondent No.5 has submitted that in this writ petition there are three distinct causes of action in 3 separate sequence, the first being the complaint of violation of Section 43(1) of the 2007 Act for failure to hold two consecutive BOD meeting within a gap of 120 days, which culminated in the order dated 18.01.2018, passed by the respondent No.2. The second cause of action related to the failure to hold a requisition meeting pursuant to notice dated 24.03.2018, that was given by 8 (eight) BOD of the said society and in this regard it is submitted that by operation of the provisions of sections 43(1) and 43(2) of the 2007 Act, the petitioner had ceased to be the Chairman on his failure to hold the requisition meeting within the time of 15 (fifteen) days as prescribed under Section 43(3) of the 2007 Act. Accordingly, the respondent No.3 had submitted his report dated 08.05.2018 to the respondent No.2, regarding affairs of the said Society. Subsequently, in the BOD meeting held on 27.05.2018, the respondent No.6 was elected as the new Chairman of the Committee upon cessation of Chairmanship of the petitioner. Accordingly, a report dated 24.07.2018 was submitted by the respondent No.3 to the respondent No.2 to the effect that (i) the petitioner has ceased to be the Director as per section 43(3) of the 2007 Act, (ii) and that after expiry of 15 (fifteen) days from the date of service of notice, 7 (seven) BOD, being more than 1/3rd of the members of the said Society, had submitted another written requisition dated 11.04.2018 to the Vice-Chairman of the said Society to call a special meeting with a special agenda and accordingly, the BOD meeting was held on 20.04.2018 and 27.05.2018 and the BOD had unanimously elected the respondent No.6 as their new Chairman in place of the petitioner, and (iii) in the BOD meeting held on 31.05.2018, a resolution was passed to the effect that the petitioner had ceased to be a Director as per section 43(7) of the 2007 Act, because he was absent in more than 3 consecutive BOD meetings held on 05.04.2018, 16.04.2018, 20.04.2018 and 27.05.2018. The aggrieved petitioner

had filed an appeal before the Zonal Joint Registrar of Co-operative Society, Silchar Zone, Silchar (respondent No.4), who by his order dated 14.09.2018, did not grant any relief to the petitioner in the matter. It is submitted that the third cause of action arose when the mandatory AGM was not held within a period of 6 (six) months from the expiry of the last financial year on 31.03.2018 as required under Section 39 of the 2007 Act. It is submitted that there is no provision for any relaxation or extension of time to hold the AGM and, as such, even by holding an adjourned, deferred and/or suspended AGM after expiry of 6 (six) months from the expiry of the last financial year, it would not be sufficient to overcome the rigours of Section 39 and accordingly, it is submitted that by operation of the provisions of Section 39 of the 2007 Act, the Board of the said society had got dissolved.

(9) In the aforesaid context, the learned Senior Counsel for the respondent No.5 has submitted that the petitioner, by clubbing all the issues together was making an attempt to project in this writ petition that the actions taken against him was a part of single transaction, which was not a correct projection. It is submitted that in this present case in hand, there were 3 sequential defaults on the part of the petitioner, but while the first and second cause of action affected only the petitioner, but as a result of the third default and/or cause of action, the life of the entire BOD got expired. It is submitted that the life of the defunct BOD cannot be restored now and that the only remedy prescribed by the 2007 Act was to hold a fresh election new BOD as per section 41(6) of the 2007 Act. It is also submitted that when a requisition meeting was called, the Chairman was mandatorily required to hold the BOD Meeting within the time prescribed and that as provided under Section 43(2) of the 2007 Act, not only the requisition meeting must be held but such a meeting must have a specially proposed agenda and that no subject other than the subjects included in the proposed agenda shall be discussed in the meeting. In support of his submissions, the learned Senior Counsel for the petitioner has referred to the following cases:-

1. Minara Begum Barbhuiya Vs. State of Assam and others, 2018 (4) GLT 603.
2. Abbdur Rahman and 3 others Vs. Rofiquil Islam and 4 others, WA 111/2015 decided on 02.06.2015.
3. Rofiquil Islam Vs. State of Assam and 3 others, WP(C) 2343/2015 decided on 24.04.2015.

(10) Mr. A.M. Barbhuiya, the learned counsel for respondent Nos.6 to 13 has submitted that the respondent Nos.6 to 13 were not supporting the submissions made by the learned Senior Counsel for the respondent No.5 to the effect that the BOD stood dissolved for inaction on part of the petitioner and it is contended that the respondent No.6, having been elected as Chairman in the BOD meeting dated 27.05.2018, the life of the said BOD was not affected by operation of Section 39 of the 2007 Act and the said BOD cannot be said to have been dissolved. In this regard it is submitted that on 22.09.2018, AGM was held but

the same had to be adjourned in view of the pendency of the present writ petition because on 22.09.2018, the certified copy of the order dated 21.09.2018 passed in this writ petition was not made available and, as such, the respondent No.6 and other BOD cannot be penalised for default, if any, committed by the petitioner.

(11) Having heard the learned Senior Counsel/ counsel for the contesting parties and on perusal of the materials on record, it is seen that the respondent No.2 by order dated 18.01.2018 had categorically held that the sequential dates of BOD meetings held on 09.05.2017, 22.05.2017, 01.06.2017, 05.08.2017 and 07.09.2017, showing the intervening difference of 22, 10, 67, 31 days respectively negates the allegation made by the respondent Nos.5 to 13 that there was a violation of the provisions of section 43(1) of the 2007 Act regarding failure on part of the petitioner to hold BOD meeting within 120 days. The copies of the proceedings of the above referred meetings available with the pleadings support the said order dated 18.01.2018 passed by the respondent No.2. Therefore, the first allegation by the respondent Nos.5 to 16 that the petitioner did not hold BOD meetings within 120 days is not found sustainable.

(12) It is seen that the respondent No.5, in paragraph 7 of his affidavit- in-opposition had specifically stated that on 24.03.2018, a majority of 8 BOD including the respondent No.6 had submitted a requisition to the petitioner for calling a meeting of the society within 15 days. There is no dispute that the said requisition was not served on the petitioner, as such, from 24.03.2018, the 15 days time under 43(2) of the 2007 Act would have expired on 07.04.2018, but the petitioner had not convened any such requisition meeting within the said time. Thereafter, on 17.04.2018, the majority of the remaining BOD, by issuing a notice to the petitioner, informed him that on failure to hold BOD meeting with proposed agenda under the provisions of Section 43(1) and 43(2) of the 2007 Act within the period of specified time, as such, he had ceased to be the Chairman on the date of expiry of the specified period and that the petitioner had ceased to be the Chairman for a period of 3 years and not authorised to convene Board meeting as per Section 43(4) of the 2007 Act, and a copy of the notice dated 24.03.2018 and 17.04.2018 were annexed to the said affidavit- in-opposition as Annexure-C and Annexure- D respectively. However, it is seen that in the affidavit- in- reply filed by the petitioner against the affidavit-in-opposition of the respondent No.5, the petitioner has not offered any reply to the said statement and, as such, by applying the doctrine of non-traverse, the statements made in paragraph 7 of the said affidavit- in-opposition of respondent No.5 is deemed to be admitted by the petitioner. Accordingly, it appears that an important fact having a bearing in this case was suppressed by the petitioner. Accordingly, the respondent No.3 appears to have made an enquiry and his report dated 08.05.2018 was submitted to the respondent No.2 indicating herein that despite written requisition dated 24.03.2018, no special BOD meeting with a specified agenda was convened within the time stipulated under Section 43(2) of the 2007 Act, for which by operation of Section 43(3), the petitioner had ceased

to be the Chairman. The documents annexed with this writ petition, affidavit- in- opposition by the respondent No.5, affidavit- in- reply by the petitioner as well as documents appended to I.A.(C) 3643/18, I.A.(C) 4176/18 and I.A.(C) 4188/18 do not disclose that the requisition meeting was held by the petitioner within 15 (fifteen) days from the date of receipt of notice dated 24.03.2018.

(13) In the affidavit- in- reply filed by the petitioner against the affidavit- in- opposition of respondent No.5, it has been stated therein that as per notice dated 23.03.2018 (sic.), a meeting was held on 05.04.2018 at the office of the said Society, but a dispute arose among the BOD regarding the presence of 1 (one) terminated BOD, namely, Rubal Hoque Laskar and by the putting of his signature in the minutes book, due to which law and order situation arose and the matter was informed to the concerned police station and on the request of the O/c., Kachudaram P.S., the said BOD meeting was suspended and thereafter, notice dated 16.04.2018 was issued for holding the suspended meeting on 20.04.2018. However, the notice convening meeting of the BOD on 05.04.2018 has not been brought on record. The requirement of Section 43(2) of the 2007 Act is that a requisition meeting must be held with a specified agenda. However, from the minutes of the BOD meeting dated 05.04.2018, the Vice-Chairman had chaired the said BOD meeting and it is recorded in the proceedings that on seeing the signature of members present the petitioner got angry and left the meeting without putting his signature and the meeting was held by the Vice-Chairman after forming of quorum but at the request of the police for law and order situation, the meeting was suspended. Thereafter, the suspended meeting was held on 20.04.2018, where vote of confidence against the petitioner did not take place. Moreover, the agenda of the purported BOD meeting held on 20.04.2018, stated to be the proceedings of suspended BOD meeting dated 05.04.2018, has not been brought on record. The said agenda is of vital importance because as per the minutes of BOD meeting dated 20.04.2018, many issues were discussed therein.

(14) Therefore, there is no material on record to show that pursuant to requisition on 24.03.2018, the petitioner had convened a BOD meeting with a specific agenda relating to no confidence against him as the Chairman of the BOD of the said society. Thus, it appears that by operation of the provisions of Section 43(3) of the 2007 Act, the petitioner had ceased to be the Chairman of the said society after a lapse of the prescribed 15 days time. In the considered opinion of this Court, the purported BOD meeting held on 05.04.2018 cannot be accepted to be a "special" BOD meeting with a specific agenda of discussion on "no confidence motion against the Petitioner- Chairman". Moreover, in any case, the petitioner himself left the meeting by assigning some reason. Under such situation, it appears to this Court that unless the BOD meeting is called by the Petitioner, chaired by him and then adjourned for a valid reason recorded in the minutes, this Court is unable to accept the contention of the learned counsel for the petitioner that a requisition meeting was held within the meaning of Section 43(2) of the 2007 Act. Moreover, in the re-convened BOD meeting held on

24.04.2018, which is projected to be the holding of the adjourned/ suspended BOD meeting dated 05.04.2018, the no confidence motion was not put to discussion as required under Section 43(2) of the 2007 Act. Hence, in view of the discussions above, this Court is of the considered opinion that by operation of Section 43(3) of the 2007 Act, the petitioner has ceased to be the Chairman of the Mangalpur, Boalihawar Cooperative Society Ltd.

(15) It would be relevant to quote the provisions of Section 39 of the 2007 Act:-

"39. Annual General Meeting. - A general meeting to be termed as Annual General Assembly of a registered Co-operative Society shall be held at least once in every cooperative year within a period of six months of close of the financial year to transact the business as provided in this Act. The Board shall automatically stand dissolved for not holding Annual General Meeting in accordance with the provisions of the Act and bye-laws within six months from the expiry of every financial year."

(16) An analysis of the first part of Section 39 of the 2007 Act shows that it is mandated that the AGM of a registered cooperative society is required to be held at least once in every co-operative year, which can be held within a period of 6 (six) months from the expiry of the last financial year. Thus, as the last financial year had closed on 31.03.2018, therefore, the AGM of the said society ought to have been held on or before 30.09.2018. The analysis of the second part of Section 39 of the 2007 Act appears to be the mandate of law that on failure to hold such AGM within 30.09.2018, there has been an automatic dissolution of the BOD of the said society. In this regard, this Court finds support from the case of (i) Shahirul Islam (supra), and (ii) Minara Begum Barbhuiya (supra). The relevant part of paragraph 27 of the case of Shahirul Islam (supra), decided by the Division Bench of this Court is quoted below for ready reference:-

"27. ... In fact, language of Section 39 is precise and clear leaving no room for any ambiguity. AGM must be held within 30th of September and if AGM is not held within 30th of September, there would no automatic dissolution of the defaulting Board of Directors. Learned Single Judge is right in expressing the view in the referral order that use of expression "automatically dissolved" in Section 39 of the 2007 Act and the express omission of any provision to apply for extension of time to hold AGM leaves no room for doubt that the legislative intent is to ensure that Cooperative Societies should hold their AGMs within the prescribed time limit on any ground whatsoever. In such a situation, question of the Board of Directors being at fault or not at fault or whether the Board of Directors were prevented by circumstances beyond their control from holding the AGM within the prescribed period are not at all relevant."

(17) Thus, in light of the facts of this case, being bound by the decision of the case of Shahirul Islam (supra), this Court is not inclined to go into the sufficiency or otherwise of the justification and/or explanation given for not being able to hold AGM within 30.09.2018. Therefore, the Board of Directors of Mangalpur,

Boalihawar Cooperative Society Ltd. is deemed to have been dissolved w.e.f. 30.09.2018.

(18) Consequently, the petitioner is not found to be entitled to any relief in this writ petition because this present writ petition has been rendered infructuous on dissolution of the BOD (i.e. Board of Directors) w.e.f. 30.09.2018 and legal consequences arising out of such situation is bound to follow, as such, this writ petition stands dismissed on having been rendered infructuous. No cost.