

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 8749 OF 2014

The Umbari Balapur Vividh Karyakari
Seva Sahakari Sanstha Maryadit,
Umbari-Balapur, Tq. Sangamner,
Dist. Ahmednagar, through its Director
Bhau s/o Genu Bhusal,
Age 48 years, occup. Agril.,
R/o Umbari-Balapur, Tq. Sangamner,
Dist. Ahmednagar Petitioner

versus

01. The State of Maharashtra,
through Secretary,
Co-operative Department,
Mantralaya, Mumbai-32.
02. The Commissioner for Co-operation,
Maharashtra State, pune.
03. The Divisional Joint Registrar,
Co-operative Societies, Nashik Division,
Nashik
04. The District Deputy Registrar,
Co-operative Societies,
Ahmednagar, Tq. & Dist. Ahmednagar,
05. The Deputy Registrar,
Co-operative Societies,
Ahmednagar, Tq. & Dist. Ahmednagar,
06. Bhagwat s/o Tatyaba Umbarkar,
Age major, occup. Agril.,
R/o Umbari-Balapur, Tq. Sangamner,
Dist. Ahmednagar. Respondents

Mr. R. A. Tambe, Advocate for petitioner
Mr. S.K. Tambe, Asstt. Govt. Pleader for respondents no. 1 to 5
Mr. V. D. Hon, senior advocate i/by Mr. A. V. Hon, Advocate
for respondent no. 6

CORAM : SUNIL P. DESHMUKH, J.
10th August, 2015

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties finally, by consent.
2. Respondent no. 6 is the petitioner before Respondent No.3- Divisional Joint Registrar, Co-operative Societies, Nashik in revision bearing No. R-99 of 2013 challenging order dated 13-08-2012 passed by Respondent No. 4-District Deputy Registrar under section 81(1) (6) of the Maharashtra Co-operative Societies Act, 1960.
3. It appears that the revision before respondent no. 3 had been preferred after certain amount of delay and the delay has been condoned under impugned order dated 16-07-2013 in said revision application no. R-99 of 2013.
4. The grievance of the petitioner is that it being a co-operative society it is necessary party in the revision which itself, according to the petitioner, is not maintainable at all and further that delay has been condoned without hearing the necessary party.

5. Learned counsel for the petitioner refers to various events occurred during 2011 to 2013 about audit and re-audit and the elections in the interregnum.

6. Learned senior advocate Mr. Hon appearing for respondent no. 6 submits that, this writ petition has been pending since 2014 without any effective interim relief. He submits that no fruitful purpose is likely to be served by issuing rule in the matter. He, under the circumstances, submits that it would be expedient that the revision before respondent no. 3 itself be directed to be disposed of expeditiously.

7. Having regard to that the grievance of the petitioner is that it had not been made a party and heard while condoning delay in filing revision and in respect of other aspects, concerned authority may decide on the same by granting opportunity to petitioner.

8. Looking at above, delay condonation application be re-heard by respondent no.3-the revisional authority and for said purpose, I set aside revisional order dated 16-07-2013 to the extent of clause (1) of it which condones delay. Petitioner herein be added as party to revision before respondent no. 3 and heard while considering delay condonation application. It is open for

petitioner to take up all such contentions as are available to it in law and in facts. The revisional authority to consider the application on its own merits without being influenced by the observations made hereinbefore.

9. Learned counsel for petitioner submits that the interim order is granted by revisional authority is erroneous since re-audit has already taken place. It is open to the petitioner to take up such contentions while application for interim relief is being considered if condonation of delay is granted. The order, staying implementation and operation of the order passed by respondent no. 4 dated 13-08-2012, however, shall continue to operate during pendency of delay condonation application.

10. Writ petition as such is allowed. Rule made absolute accordingly.

SUNIL P. DESHMUKH, J.

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