

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 209 OF 2015**

SOUTH GOA MECHANIZED BOAT
OWNERS COOP. AND MARKETING
SOCIETY LTD.REP. BY GEN.
SECRETARY AND ANR.

.... Petitioners

V/S

MR. PRASHANT VITHAL NAIK
DESSAI AND ANR.

.... Respondents

Ms. N. Shirodkar, Advocate for the Petitioners.

Ms. Sapna Mordekar, Additional Government Advocate for Respondent
No.2.

Coram:- C. V. BHADANG, J.

Date:- 12th October, 2015

ORAL ORDER:

The learned Counsel appearing for the petitioners, on instructions, submits that the petitioners intend to take recourse to the remedy of appeal under Section 114-A of the Goa Co-operative Societies Act for challenging the impugned order before the Co-operative Tribunal. It is submitted that after the impugned order was passed on 3/02/2015, the petitioners had approached this Court with due expedition on 23/03/2015. It is submitted that appropriate order/protection be granted to the petitioners on the aspect of limitation.

2. The learned Additional Government Advocate appearing for

respondent no.2 has no objection for withdrawal of the petition, as also to the petitioners taking recourse to the remedy of appeal, subject to the issue of limitation, if any, being kept open.

3. In that view of the matter, the Writ Petition is disposed of as withdrawn. All the contentions of the parties on merits are expressly kept open to be decided by the Co-operative Tribunal. The contention of the petitioners for exclusion/protection on the period of limitation can be dealt with by the Co-operative Tribunal, on its own merits and in the light of the observations of the Hon'ble Supreme Court in the case of *Shakti Tubes Ltd. V/s. State of Bihar & Ors.* reported in *2009 (1) SCC 786*. The petition is disposed of in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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