

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4263 OF 2015

Irla Co-operative Housing Society Limited : Petitioner.
Versus
The Divisional Joint Registrar
Cooperative Societies, Mumbai Division,
Mumbai and ors. : Respondents.

Mr. Nitin G Raut with Mrs. G D Vas i/by M/s. Vas & Co. for the Petitioner.
Mrs. Vaishali Nimbalkar AGP for the Respondent Nos.1 and 2.
Mr. P S Dani, Senior Advocate with Mr. A N Giri and Shri Sagar Batavia for
the Respondent No.5.

CORAM : R. M. SAVANT, J.
DATE : 28th April 2015

P.C.

1 The cause for invoking the writ jurisdiction of this court is the fact that though the Revision is filed by the Petitioner against the order dated 26/3/2015 passed by the learned Divisional Joint Registrar, Cooperative Societies, Mumbai Division, Mumbai, the authorities are taking precipitative steps pursuant to the said order. The learned counsel appearing for the Petitioner Shri Raut has drawn this Court's attention to the letter dated 20/4/2015 addressed by the Branch Manager of Kotak Mahindra Bank Ltd to the Administrator Mr. Dinesh Devdhar by which letter the Administrator has been informed that the account of the society being No.2911321878 has been completely frozen. The learned counsel for the Petitioner states that the accounts of the Petitioner Society in two other banks have also been frozen.

The order dated 26/3/2015 was passed in an Appeal which was directed against the order passed under Section 78 of the Maharashtra Cooperative Societies Act superseding the managing committee of the society. The Appeal has been rejected on the grounds mentioned in the said order dated 26/3/2015.

2 The question that begs an answer is as to whether a case for appointment of the Administrator is made out considering the grounds on which the show cause notice is founded. Be that as it may, in view of the fact that a Revision has been filed by the Petitioner before the State Government, it is not necessary for this court to delve into the said aspect, as it is for the Revisionary Authority to consider the Revision Application on merits which would include the challenge that would be raised to the appointment of the Administrator. However, considering the precipitative steps which the officers of the Co-operative Societies Department seem to be taking and having regard to the fact that the Revision filed by the Petitioner is pending before the State Government, it would be necessary to issue certain directions.

3 It is also required to be noted that the Municipal Corporation of Greater Mumbai has raised a demand for property tax which is the subject matter of the companion petition. For making the said payment of the property tax or even a part of it, the Petitioner would obviously have to operate the

account. In my view, in the interest of justice would be served if the following directions are issued :-

- [1] The order dated 8/4/2011 appointing the Administrator by superseding the managing committee which was stayed pending the Appeal before the Divisional Joint Registrar would stand stayed till the Revision Application is decided by the Revisionary Authority.
- [2] The bank accounts which have been frozen on the directions of the Administrator would be de-frozen by the Administrator addressing letters to the concerned banks promptly i.e. latest by 30/4/2015. The Administrator is made personally responsible for the same.
- [3] Pending the Revision Application, the managing committee will not take any policy decision or will not expend substantial amounts except for payment of any dues of any authority or authorities. The payment of the arbitrators fees in the continuing arbitration is allowed for which proper account would be maintained.
- [4] The Revisionary Authority is directed to hear and decide the

Revision Application latest by 30/6/2015. The parties to appear before the Revisionary Authority on 11/5/2015. The Revisionary Authority to decide the Revision Application within the outer limit fixed by this Court. If an order adverse to the Petitioner is passed, the same not to be given effect for a period of two weeks from the communication of the said order.

- [5] With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]