IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6718 OF 2013

Shri Sanjay P. Darekar ....Petitioner.
Versus
The Joint Registrar
Co-op. Housing Societies
(CIDCO) & Ors. ...Respondents.

Mr. A.Y.Sakhare, Sr. Adv. i/by Ms. Anju Mane, advocates for the Petitioner.
Mr. S.D.Rayrikar, AGP for the respondent nos.1,2 and 4-State.
Mr. Shishir Joshi, advocate for the respondent no.3.

CORAM : ANOOP V. MOHTA, J.

DATED : March 9, 2015.

P.C.:

Rule. Rule made returnable forthwith with consent of the parties.

2 After going through impugned order dated 8.2.2013 passed by the revisional authority under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (For short 'MCS Act.') thereby registration granted to the petitioner is set aside. The learned Senior Counsel appearing for the petitioner pointed out a singular paragraph of reasons at page 130, which according to his submission is silent referring to the

issues so raised by the petitioner dealing with the aspects and basic reasons for granting registration. The learned counsel appearing for respondent no.3 also submitted that there are various other reasons and grounds to maintain the order passed by the Hon'ble Minister even those grounds and reasons are not specifically dealt with so raised and mentioned in the reply. There are various rival contentions, which in my view, also required to be re-considered by the appellate authority and pass the order in accordance with law. Pendency of litigations and/or dispute between the unit purchaser and developer and the basic requisite for granting registration to the society apart from scope and jurisdiction of revisional authority to interfere with the reasoned order already passed, in my view, also requires consideration. The specific reason was given while granting registration if required to be reversed or set aside. Detail reasons are necessary, which are absent/missing in the present order.

3 Therefore, taking overall view of the matter, including rival contentions of the learned counsel appearing for the parties and basic reasons are absent even as per the counsel for and against contentions so raised. Therefore, in the interest of justice and to give equal opportunity to both the parties and the question is of registration of the society, I am inclined to interfere with the impugned order by keeping all points open for both the parties. Therefore, following order:

ORDER

a) Impugned order dated 8.2.2013 passed by the respondent no.2 is quashed and set aside.

b) Appeal/revision is restored for re-hearing on all the issues by giving equal opportunity to all the parties.

c) Appeal/revision to be disposed of as early as possible preferably within three months.

d) Parties are at liberty to file additional affidavit if any authorities to consider the same in accordance with law.

e) Both the counsel, on instructions, submit that they will appear before the concerned authority-respondent no.2 on 23.3.2015 at 3.00 pm for direction/order.

f) Parties are at liberty to apply for interim relief and/or protection.

g) Rule made absolute accordingly.

h) There shall be no order as to costs.

(ANOOP V. MOHTA, J.)