

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

WRIT PETITION NO.6651 OF 2014

**The Saurabh Tower Co-operative
Housing Society (Prop.)**

.. Petitioner

Versus

**The Divisional Joint Registrar,
Co-operative Society, Kokan Division
Kokan Bhavan, Navi Mumbai and others**

.. Respondents

Mr. J. M. Patil, for the Petitioner.

Mr. K. S. Patil, for the Respondent No.3.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1, 2 & 4.

CORAM : R.M. SAVANT, J.

DATE : 08th JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked to challenge three orders. The first order is dated 12.01.2004 passed by the Deputy Registrar, Co-operative Societies, Thane, by which order the application for registration filed by the Petitioner proposed society came to be rejected. The next order under challenge is dated 17.07.2007 passed by the Divisional Joint Registrar, Co-operative Societies, Thane, by which order the application for condonation of delay of two years eight months

and twenty two days in filing the Appeal came to be rejected. The third order is the order dated 13.01.2014 passed by the Hon'ble Minister for Co-operation, by which order the Revision Application filed against the order dated 17.07.2007 came to be rejected. The issue is as regards the registration of the petitioner proposed society which is a society comprising of the flat purchasers of the building constructed by the Respondent No.3 herein. The construction of the building has been completed in the year 1998 and the flat purchasers are in occupation of their respective flats since then.

2. The Learned Counsel Mr. K. S. Patil appearing on behalf of the Respondent No.3 i.e. developer on instructions of the partner of the Respondent No.3 Mr. Ashok Parekh who is personally present in Court states that notwithstanding the orders passed against the Petitioner which have been referred to herein above the Respondent No.3 has no objection. If a fresh application for registration is filed by the Petitioner proposed society and the same is considered in accordance with law. Statement accepted. In view of the said statement, the Petitioner Society would be at liberty to file a fresh application for its registration. If any such application is filed by the Petitioner, needless to state that the same would be considered by the concerned authority on its own merits and in accordance with law uninfluenced by the impugned orders as also the fact

that an application under Section 10(1) of the MOFA was rejected. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]