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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 667 OF 2014

Majaswadi Sarvodaya Sadguru
Krupa Co-op. Husing Society Ltd.,
through Chief Promoter and ors Petitioner
vs
The State of Maharashtra and ors. Respondents

Mr. Saurabh M. Railkar for the Petitioner
Mr. A.R. Metkari, AGP for the Respondents 1 to 3.
Mr. H. V. Kumarswami for Respondents 4 to 21.

CORAM: ANOOP V. MOHTA, J.

DATE : February 09, 2015

P.C.:

Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2 By the impugned order, the Petitioner's application for permission for name reservation and opening of account was rejected mainly on the ground that revolving around date "25-1.2012" and/or "25-11-2012", that is the date of meeting of appointment of Chief Promoter and other members by holding that there was a misrepresentation referring to the date "25-1-2012 as a date for the

meeting in question. However, after hearing both the parties and considering the fact that the notice was issued by the Chief Promoter whereby a meeting was fixed on 25.11.2012 at 8 pm and the said meeting was attended and the minutes were recorded. However, the date was put “25.1.2012” instead of “25.11.2012”. It appears that considering the above background and the averments that the date was wrongly noted as “25.1.2012”. It should have been “25.11.2012” as the notice was issued accordingly. Therefore, this mistake, in my view, is curable. This cannot be treated as a case of misrepresentation that resulted into the rejection of the Petitioner's application. Therefore, in the interest of justice, I am inclined to set aside order dated 22.3.2013 passed by the Divisional Joint Registrar, Cooperative societies, Mumbai Division, Mumbai and restore the Revision Application for rehearing on all points in accordance with law by giving opportunity to all the parties in every aspect.

3 Resultantly, the following order :

O R D E R

- (i) Impugned order dated 22.3.2012 is quashed and set aside.
- (ii) Revision Application is restored to file.
- (iii) The concerned Authority to rehear the matter and pass order in accordance with law by giving equal opportunity to both the parties.

- (iv) Rule is disposed of accordingly.
- (v) No costs.

(ANOOP V. MOHTA, J.)