

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11310 OF 2015

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. P.D. Dalvi for the petitioner.

Ms. M.S. Bane 'B' Panel Counsel for respondent nos. 1, 2 and
4.

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CORAM : M. S. SONAK, J.

DATE : 18th NOVEMBER, 2015.

P.C. :-

1. Not on board. Upon production taken on board.
2. Rule. By consent of learned counsel for the parties rule is made returnable forthwith.
3. The Challenge in this petition is to the order dated 28/10/2015 whereby the Divisional Joint Registrar, Co-operative Societies has rejected the petitioner's application for stay on the implementation of the order dated 24/09/2015 made under Section 77 A of the Maharashtra Co-operative Societies Act (Said Act). The Appellate Authority has posted the matter for final hearing on 30/11/2015.
4. The petitioner has instituted a revision before the state government against

the order on 28/10/2015. However the learned counsel for the petitioner states that neither the revision application nor application for interim relief is being taken up for consideration.

5. The petitioner is a Co-operative Housing Society and its Managing Committee members. By the order dated 24/09/2015 the Managing committee has been superseded and an administrator has been appointed. There are no allegations of financial irregularities. The main allegation is that the petitioners have not complied with legal provision in relation to co option.

6. Now that the appeal itself posted for final hearing. On 30/11/2015, it would be appropriate if the order dated 24/09/2015 is stayed pending the disposal of the appeal. This court, had already granted the petitioner interim relief which was to remain in operation 21/11/2015.

7. Accordingly, the Appellate Authority is directed to hear the appeal on 30/11/2015, which is even otherwise the date fixed by the Appellate Authority and to dispose of the same in accordance with law within a period of two weeks thereafter. The petitioners to cooperate in the matter and expeditious disposal of the appeal. Pending the disposal of the appeal however there shall a stay on the order dated 24/09/2015.

However, the petitioner shall not take any major financial or major policy decision during the operation of the said interim order. In case the petitioners appeal is dismissed interim protection shall continue for a period of one week from the date of communication of appeal dismissal of the order.

8. In view of the aforesaid order, the revision application instituted by the petitioners is rendered infructuous and therefore is disposed of accordingly.

9. It is made clear that this Court has not examined the merits of the matter. Therefore all contentions of all parties to be decided by the Appellate Authority

10. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M.S. SONAK, J.)