

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

WRIT PETITION NO.2708 OF 2016

M/s. Bijwe Constructions

Through its Propriety

Shri Kishor Ramchandra Bijwe

: Petitioner.

versus

District Deputy Registrar,

Co-operative Societies, Pune and anr.

: Respondent.

Mr. Prashant Darandale for the Petitioner.

Mr. S D Rayrikar, AGP, for the Respondent No.1.

Mr. Chetan G Patil for the Respondent No.2.

CORAM : R. M. SAVANT, J.

DATE : 28th November 2016

P.C.

1 The registration of the Respondent No.2 Society by the District Deputy Registrar, Co-operative Societies pursuant to the obligation cast on the Developer/Promoter by Section 10 of the Maharashtra Ownership Flats Act, 1963 is taken exception to by way of the above Writ Petition. The said registration is by the order dated 08/02/2016 passed by the District Deputy Registrar. The said registration being under the Maharashtra Co-operative Societies Act, an Appeal lies before the Divisional Joint Registrar against such registration.

2 On behalf of the Respondent No.2 reliance is sought to be placed on the order dated 19/01/2012 passed in Writ Petition No.4980 of 2011 to

contend that even if the registration is pursuant to the obligation imposed by the Maharashtra Ownership Flats Act, since the registration is under the Maharashtra Co-operative Societies Act, an Appeal would lie. This Court has no reason to defer with the view taken in the said order having regard to the statutory regime that is encompassed within the Maharashtra Co-operative Societies Act. The learned counsel for the Petitioner sought to raise various contentions as regards the said registration. In my view it is not necessary to entertain the said contentions as the same can be urged before the Appellate Authority. Hence by relegating the Petitioner to the said remedy by way of an Appeal under Section 152 of the Maharashtra Co-operative Societies Act, the above Writ Petition is disposed of. In the event the issue of limitation arises, the fact that the Petitioner was prosecuting the above Petition in this Court from 01/03/2016 can be urged on behalf of the Petitioner.

[R.M.SAVANT, J]