

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1547 OF 2016

Ghewarchand Anrajji Jain & Ors.

...Petitioners

vs.

The State of Maharashtra & Ors.

....Respondents

Mr.Sanjay Jain I/b. Sudhakar Lakhani for Petitioners.

Mr.Milind More,Addl.G.P. for State.

Mr.Mayur Khandeparkar with Pankaj Kode I/b. Himanshu Kode for Respondent No.4.

CORAM : S.C. GUPTE, J.

5 JULY 2016

P.C. :

After the matter was heard at some length, it is agreed between the parties that the petition can be disposed of in terms of the following order. Hence, the following order :

(I) The impugned order passed by the Assistant Registrar of Co-operative Societies, "C" Ward, Mumbai is set aside;

(II) The matter of inquiry under Section 77A is remanded to the Registrar of Co-operative Societies, who shall designate any Assistant Registrar of Co-operative Societies other than Respondent No.2 herein to conduct the inquiry under Section 77A of the Maharashtra Co-operative Societies Act, 1960;

(III) The record of Respondent No.5 society, which is handed over by Respondent No.4 herein to the Administrator Shri R.G. Redekar, Certified Auditor, shall be made over by Shri R.G. Redekar to the Assistant Registrar of Co-operative Societies appointed in terms of this order to conduct the inquiry under Section 77A of the Maharashtra Co-operative Societies Act, 1960;

(IV) The Assistant Registrar conducting the inquiry under Section 77A shall make available copies of the record to both parties, namely, the Petitioners herein, on the one hand and Respondent No.4, on the other;

(V) Both parties shall be entitled to place such documents or material before the Assistant Registrar conducting the inquiry, as they may desire;

(VI) The inquiry shall be completed by the Assistant Registrar of Co-operative Societies and an appropriate order shall be passed, as expeditiously as possible and in any event, within a period of six weeks from today;

(VII) In case the order of the Assistant Registrar is adverse to the Petitioners herein, the order shall not be acted upon for a period of one week from the date of service of the order;

(VIII) It is made clear that whilst remanding the matter, this court has not expressed any opinion on the merits of the controversy and all rights and contentions of the parties on merits are kept open, to be agitated before the Assistant Registrar conducting the inquiry;

(IX) The petition is disposed of accordingly;

(X) All parties to act on the authenticated copy of this order.

(S.C. Gupte, J.)