

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9678 OF 2017

SANTOSHIMATA MERCHANTS CO-OPERATIVE
CREDIT SOCIETY LTD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Hon V.D., Sr. Adv.
i/b Shri Hon Ashwin V.
AGP for Respondents 1 to 3 : Shri Bhagat N.T.
Advocate for Respondent 4 : Shri Suryawanshi Nitin B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 19, 2017

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PER COURT :-

1. I have considered the submissions of the learned Advocates for the respective sides. The contentions put forth by the learned Sr. Advocate, on behalf of the petitioners, was recorded on 8.8.2017 in my order.

2. Learned Advocate for respondent No.4 submits an affidavit in reply.

3. Having considered the submissions of the learned Advocates, I find that after the Revision Application No.57 of

2017 was filed by respondent No.4, herein, under Section 154 of the Maharashtra Cooperative Societies Act, 1960 before the Divisional Joint Registrar, Cooperative Societies, Nasik, he had approached the Honourable Minister by filing RVA-2017/558/15-S, because the revisional authority had not granted him interim protection. I find that the said second revision before the Honourable Minister was not tenable as the Act of 1960 does not provide for a second revision before the Honourable Minister. However, by the impugned order dated 5.7.2017, the Honourable Minister has stayed the order dated 21.6.2017, passed by the Divisional Joint Registrar.

4. Considering that respondent No.4 was under protection from 5.7.2017, ends of justice would be met and equities would be balanced by maintaining status quo and directing respondent No.2 to decide the pending revision filed by respondent No.4 within a time frame.

5. The learned Sr. Advocate fairly submits, after taking instructions, that the status quo may be maintained for about one month. Acknowledging the said statement, I find that respondent No.2 should be given some time to study the

matter and deliver his judgment, after the conclusion of the final submissions of the litigating sides.

6. Considering the above, the proceedings before the Honourable Minister being not tenable, stand quashed. Consequentially, the impugned order dated 5.7.2017 stands set aside.

7. Considering the above, this petition is allowed in the above terms. The litigating sides agree to appear before respondent No.2 on 27.9.2017 at 12.00 noon. Separate / formal notices need not be issued by respondent No.2.

8. The litigating sides would conclude their submissions, in any case, before 10.10.2017. They are at liberty to tender their written notes of submissions, along with the case law. All contentions are kept open, inclusive of all objections.

9. Respondent No.2 shall, thereafter, decide the said proceedings, by delivering a reasoned judgment as expeditiously as possible and in any case, on/or before 24.11.2017. Respondent No.2 shall pronounce the judgment /

order in the open room, where hearings are conducted and shall keep the copies of the judgment ready to be delivered to the parties on the same date. The parties shall be responsible for remaining present during the pronouncement of the judgment.

10. The protection, in the nature of status quo, granted to respondent No.4 shall, therefore, continue only till 30.11.2017.

(RAVINDRA V. GHUGE, J.)

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