

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12500 OF 2017

SAHARA FISHING BUSINESS CO-OP. SOCIETY
THROUGH IT'S CHIEF PROMOTER GULAB BABUBHAI
SAYYAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr Kolpe Mahendra B.
AGP for Respondents: Mr S N Kendre

...
CORAM : V.K. JADHAV, J.
Dated: November 01, 2017

...

PER COURT :-

1. Learned AGP has raised a preliminary objection that remedy of filing an appeal under section 152 of the Maharashtra Co-operative Societies Act, 1960 (herein after referred to as 'Act of 1960') is available to the petitioner.

2. Learned counsel for the petitioner submits that, by impugned order, respondent no.4 has refused to register the society on the ground that registration of the society cannot be done in view of the guidelines given in Government Resolution dated 30.6.2017 and

accordingly, returned the proposal to the petitioner-society. Leaned counsel submits that, since the proposal has been returned, no remedy as provided under section 152 of the Act of 1960 is available to the petitioner.

3. I do not find any substance in the contention raised on behalf of the petitioner that no such remedy is available to the petitioner as provided under section 152 of the Act of 1960. Respondent No.4-Assistant Registrar Co-operative Societies, Osmanabad has refused to register the society and returned the proposal on the ground that society has not complied with the guide lines mentioned in Government Resolution dated 30.6.2017. Even, on earlier occasion, petitioner exhausted said remedy of filing an appeal and even then respondent no.2 has directed the respondent no.4 to reconsider the proposal of the petitioner-society for registration of the society.

4. In view of the same, writ petition is disposed of with a liberty to the petitioner to prefer an appeal as provided under section 152 of the Act of 1960. In case, appeal is preferred within two weeks from the date of this order, respondent no.2 herein may consider the time spent in filing the present writ petition. No costs.

sd/-

(V.K. JADHAV, J.)

...

aaa/-