

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

WRIT PETITION NO.1342 OF 2017

Shri. Raju Shah and others

..Petitioners

Versus

**Ld. Divisional Joint Registrar,
Co-operative Societies, Mumbai Division
at Mumbai and others**

..Respondents

Mr. M. A. Patil for the Petitioners.

Mr. S. L. Babar, AGP for the Respondent Nos. 1 & 2.

CORAM : R. M. SAVANT, J.

DATE : 9th FEBRUARY, 2017

PC.

1 The order dated 08.12.2016 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai rejecting the application for stay filed by the Petitioners is taken exception to by way of the above Petition. The stay application in question was filed by the Petitioners in Appeal No.414 of 2016 against the order dated 22.08.2016 passed by the Assistant Registrar, Co-operative Societies, F/N, Ward, Mumbai, under Section 77A of the Maharashtra Co-operative Societies Act, 1960. The gravamen of the allegations against the Petitioners is that the Petitioners as office bearers i.e. Chairman, Secretary and Committee members have not held the Annual General Body Meeting for over a period of 5 years and that they have not placed the audited account

before the AGM in the year 2014-2015. It seems that the AGMs were held but belatedly, and also the audited statements were placed before the AGMs when they were held. The Learned Counsel for the Petitioners has tendered the online submission of the statements for the year 2014-2015 and 2015-2016. It seems that the tenure of the managing committee is till 2017. In the facts and circumstances of the case the interest of justice would be served if the following directions are issued :-

- I) The order dated 08.12.2016 passed by the Divisional Joint Registrar would stand set aside and the application filed by the Petitioners for stay would stand allowed.
- II) There would be interim stay of the order dated 22.08.2016 passed by the Assistant Registrar pending the Appeal.
- III) The Appeal is directed to be heard and decided latest by 30.04.2017.
- IV) Till the Appeal is heard and decided and contingent upon the decision that would be rendered in the Appeal, the Petitioners not to take any policy decision

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or not to utilize the funds of the society except for the
day to day and monthly expenses.

2 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]