

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

WRIT PETITION STAMP NO.8173 OF 2017

Smt. Vrinda Rayappa Mantri and others	..Petitioners
Versus	
State of Maharashtra and others	..Respondents

Mr. P. S. Dani, Senior Advocate a/w Mr. Vishal Kanade i/by Mr. S. S. Raut for the Petitioners.

Mr. S. H. Kankal, AGP for the Respondent Nos.1 to 3.

Mr. G. S. Godbole i/by Mr. P. M. Tilak for the Respondent Nos.4 to 6.

**CORAM : R. M. SAVANT, J.
DATE : 23rd MARCH, 2017**

PC.

1 The Learned Senior Counsel Mr. P. S. Dani appearing for the Petitioners seeks leave to amend so as to incorporate prayer clause (a-1) seeking a direction being issued to the Revisionary Authority to decide the Revision Application filed by the Petitioners against the order dated 15.03.2017 passed by the Appellate Authority i.e. Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune. Leave granted. Amendment to be carried out forthwith.

2 The above Writ Petition as originally filed takes exception to the orders dated 18.11.2016 and 15.03.2017 passed by the authorities under the Maharashtra Co-operative Societies Act, 1960 (For short “the MCS Act”). However by amendment prayer clause (a-1) is incorporated,

by which the relief of a direction being issued to the Revisionary Authority to decide the stay application or the Revision Application itself are sought. The Learned Senior Counsel appearing on behalf of the Petitioners states that the Petitioners would not press prayer clause (c). It is an undisputed position that the Revision Application filed by the Petitioners is pending before the Revisionary Authority i.e. the Hon'ble Minister for Co-operation, Government of Maharashtra. In so far as the application for stay filed in the said Revision Application is concerned, the same seems to have been moved on 17.03.2017 before the Revisionary Authority i.e. the Hon'ble Minister for Co-operation, but the same has not been considered. The said Revision as indicated above has been filed against the order dated 15.03.2017 passed by the Appellate Authority i.e. Divisional Joint Registrar, Co-operative Societies. This Court in the earlier round i.e. in Writ Petition Stamp No.33456 of 2016 by order dated 01.02.2017 passed therein had issued the directions. In the context of the present Petition, directions (A), (E), and (F) are material and are reproduced hereinunder :-

“(A) The Divisional Joint Registrar, Co-operative Societies, Pune would proceed with the hearing of the Appeal and dispose of the same latest by 15th March 2017.

(E) In the interregnum, the authorised Officer would not take any major decision and would not also expend the funds of the Society except for making day-to-day

and monthly payments.

- (F) Till the appeal is decided, the status-quo as on date would prevail, meaning thereby that no steps would be taken to hold the elections for the Managing Committee.”

3 Hence pending the Appeal this Court had directed that no steps would be taken to hold the elections for the managing committee of the society and the Appeal was directed to be disposed of latest by 15.03.2017. As indicated above, the Appeal has been decided by order dated 15.03.2017 against which order a Revision has been filed. Though the stay application was filed on 17.03.2016 and was moved on 18.03.2017, but the same has not been dealt with by the Revisionary Authority. However the Authorized Officer on 21.03.2017 has published a provisional list of voters and has also published a list of members who stand disqualified under Section 76(2) of the MCS Act. This, the Authorized Officer seems to have done in view of the fact that the Petitioners could not obtain stay to the order passed by the Appellate Authority. In the said context, it would have to be observed that the Petitioners could not obtain stay, because their application for stay has not been considered and therefore the non-obtaining of the stay cannot be on account of any fault of the Petitioners. Since the Revision Application filed by the Petitioners is pending before the Revisionary Authority, in my view, it would be just and proper to direct the

Revisionary Authority to hear and decide the Revision Application itself within a particular time frame. Hence the following directions :-

- I) The Revisionary Authority to hear and decide the Revision Application itself latest by 10.05.2017.
- II) Till the Revision Application is decided, the directions as contained in clauses (E) and (F) in the order dated 01.02.2017 passed in Writ Petition Stamp No.33456 of 2016 would continue to operate.
- III) Needless to state that the contentions of the parties are kept open for being urged before the Revisionary Authority.
- IV) The Revisionary Authority would decide the Revision Application on its own merits and in accordance with law, uninfluenced by the instant order.
- V) Parties to appear before the Revisionary Authority on 10.04.2017 at 3.00 p.m. The Revisionary Authority may thereafter fix the schedule as per its convenience but however dispose of the Revision Application latest by 10.05.2017.

VI) In the event, the Revisionary Authority passes an order which is adverse to the Petitioners, the same not to be given effect to for a period of two weeks from the receipt of the said order by the Petitioners.

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

[R.M.SAVANT, J]