

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

WRIT PETITION STAMP NO.3208 OF 2017

Firdaus Dinshah Mehta and anr. : Petitioners.
versus
State of Maharashtra and ors. : Respondents.

**ALONG WITH
CIVIL APPLICATION STAMP NO.8430 OF 2017
IN
WRIT PETITION STAMP NO.3208 OF 2017**

Girish Srinivasan and ors. : Applicants/Interveners

In the matter between

Firdaus Dinshah Mehta and anr. : Petitioners.
versus
State of Maharashtra and ors. : Respondents.

V D Patil i/by Shri K U Patil for the Petitioner.
Mrs. V S Nimbalkar AGP for the Respondent Nos.1 to 3.
Mr. Anil K Lulla for the Respondent No.5.
Mr. Susheel Mahadeshwar a/w Ms. Ranjana Todankar for the Interveners
in Civil Application.

CORAM : R. M. SAVANT, J.
DATE : 22nd March 2017

P.C.

1 The above Writ Petition takes exception to the orders passed under Section 78A and Section 77A of the Maharashtra Co-operative Societies Act by the Deputy Registrar, Co-operative Societies, A Ward, Mumbai. The said orders are under challenge in a Revision and Appeal respectively filed by the Petitioners herein before the Divisional Joint Registrar, Mumbai. This Court by

order dated 03/02/2017 passed in the above Writ Petition has granted ad-interim relief in terms of prayer clauses (b) and (c-1) of the Petition. Paragraph 5 of the said order dated 03/02/2017 is material and is therefore reproduced herein under :-

“5 Hence there would be ad-interim relief in terms of prayer clauses (b) and (c-1). However, it is clarified that the Petitioners and the other office bearers would not take any policy decision or expend the funds of the society except for the day to day expenses.”

2 The learned counsel Shri Anil Lulla appearing for the Respondent No.5 and the learned counsel Shri Susheel Mahadeshwar appearing for some of the members of the Society in question who want to intervene in the above Writ Petition state that they have no objection if the ad-interim relief which is granted by this Court vide order dated 03/02/2017 is continued and the Revision and Appeal are directed to be decided within a particular time frame. Statement accepted.

3 In view of the said statement made by the learned counsel Shri Lulla and the learned counsel Shri Susheel Mahadeshwar, the following directions are issued :-

- 1] Revision Application No.630 of 2016 and the Appeal No.117 of 2017 pending before the Divisional Joint Registrar Co-operative Societies Mumbai i.e. the Respondent No.2 herein are directed to

be disposed of latest by 31/05/2017. Pending the Revision Application and the Appeal the interim relief which is in operation vide order dated 03/02/2017 would continue to operate.

- 2] The parties to appear before the Divisional Joint Registrar on 03/04/2017 at 3.00 pm.
- 3] The Divisional Joint Registrar would hear the Revision and the Appeal on their own merits and in accordance with law uninfluenced by the instant order.
- 4] The contentions of the parties on merits are kept open for being urged before the Divisional Joint Registrar.
- 5] The members who had made the complaints to the Registrar are free to make an application before the Divisional Joint Registrar for being heard. If any such applications are made the Divisional Joint Registrar would consider them appropriately, but however would see to it that the proceedings are not prolonged on the said ground.
- 6] In the event an order adverse to the Petitioner is passed, the same

may not be given effect to for a period of ten days from the receipt of the same by the Petitioners.

- 7] The learned counsel Shri Susheel Mahadeshwar has got the Civil Application to be filed on behalf of the interveners numbered and bears Civil Application Stamp No.8430 of 2017, the same would also stand disposed of.

[R.M.SAVANT, J]