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

WRIT PETITION NO.11635 OF 2015

Minerva Premises Co-Operative Societies Ltd. ..Petitioner
Vs
District Deputy-Registrar, & Anr. ..Respondents.

Mr. Abhishek Sawant with Manish Mirani i/b Premier Legal Practices
for Petitioner.
Ms. A.D. Vhatkar, AGP for State.
Mr. Sanjeev Singh for Respondent No.2.

**CORAM: A.S. GADKARI. J.
DATE: 08 AUGUST 2017.**

P.C.:

1] By the present petition under Article 227 of the Constitution of India, the petitioner has impugned the Order dated 27th August 2015 passed by the District Deputy Registrar, Co.Op. Societies, Mumbai rejecting the Revision Application No.11 of 2015 filed by the petitioner, challenging the Order dated 27.1.2015 passed by the Assistant Registrar, Co-Operative Societies, F/S Ward, Mumbai.

2] The record indicates that while preferring Revision Application No.11 of 2015 before the District Deputy Registrar, there was

delay of 9 days and the petitioner therefore preferred an application for condonation of delay in that behalf. The said application for condonation of delay was heard on four occasions and before even passing an order on the said application, the main revision application itself came to be rejected by the concerned authority.

3] The learned Counsel for the respondent No.2 with utmost fairness at his commend submitted that as a matter of fact, the revision application No.11 of 2015 was not heard on merits and despite the said fact, the concerned authority proceeded to reject the original application preferred by the petitioner on merits.

It clearly appears that the concerned authority i.e. District Deputy Registrar has flouted the fundamental of principles of natural justice and without giving an opportunity of being heard to the petitioner on merits and without assessing the merits of the matter, rejected the revision application.

4] In view of the above, Order dated 27th August 2015 passed by the District Deputy Registrar, Co.Op. Societies, Mumbai is hereby quashed and set aside and the application for condonation of delay of 9 days preferred by the petitioner, is allowed.

The revision application No.11 of 2015 is restored to file of the concerned authority.

5] The District Deputy Registrar is directed to grant an opportunity of being heard in the matter to the parties and pass appropriate orders as per the provisions of law.

6] The petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)