

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 167 OF 2015

The Liquidator
Maratha Market Peoples Co-operative Bank
Ltd., .. Petitioner.
v/s.
M/s. Jeejaee Estate
& Others .. Respondents.

Mr. V. P. Sawant with Mr. Prabhakar M. Jadhav, for the Petitioner.
Mr. V. C. Singh i/b. Mr. Vasant Dhawan, for Respondent Nos.1 to 3.
Mr. S. H. Kankap, AGP, for Respondent No.4.

CORAM: M.S.SANKLECHA, J.
DATE : 3rd OCTOBER, 2017.

P.C:-

This Petition under Articles 226 and 227 of the Constitution of India takes exception to the order dated 25th September, 2014 passed by the Minister of Co-operation and Textiles, State of Maharashtra (Minister). The impugned order dated 25th September, 2014 of the Minister passed in Revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (Act), allowed the application of Respondent Nos.1 to 3. Thus, setting aside the order dated 15th June, 2010 passed by Liquidator of the Petitioner-Society and order dated 31st August, 2012 passed by the Divisional Joint Registrar.

2 It is an un-disputed position before me that the hearing with regard to the Revision Application was concluded by the Minister on 17th

November, 2012 and the impugned order was passed on 25th September, 2014 i.e. almost after two years of the conclusion of the hearing.

3 The grievance of the Petitioner is that an order passed after such a long delay of the conclusion of the hearing is per se not sustainable being bad-in-law. In support, reliance is placed upon the decisions of the Apex Court in **Anil Rai v/s. State of Bihar 2001 (7) SCC 318**, and in **R. C. Sharma v/s. Union of India 1976 (3) 574**. Besides, placing reliance upon the decision of this Court in **Bright Outdoor Media Pvt. Ltd., v/s. Union of India 2015 323 ELT. 319**.

4 In fact, our Court in Bright Outdoor Media Pvt. Ltd., (supra) reproduced the following observations made by the Apex Court in R. C. Sharma (supra)

“ The Civil Procedure Code does not provide a time limit for the period between the hearing of arguments and the delivery of a judgment. Nevertheless an unreasonable delay between hearing of arguments and delivery of judgment, unless explained by exceptional or extraordinary circumstances, is highly undesirable even when written arguments are submitted. It is not unlikely that some points which the litigant considers important may have escaped notice. But, what is more important is that litigant must have complete confidence in the results of litigation. This confidence tends to be shaken if there is excessive delay between hearing of arguments and delivery of judgments. Justice must not only be done but must manifestly appear to be done.”

5 Further, the Apex Court in Anil Rai (supra) has while dealing with orders passed by the High Court had observed that the order should be pronounced within a period of six months from the conclusion of the hearing.

6 This salutatory rule ensures that no litigant goes with the feel that all aspects and subtleties of his submission were not adequately considered. The likelihood of the point being missed in view of delay in passing the order, is itself a flaw in the decision making process.

7 In the above view, on the aforesaid short point, the impugned order dated 25th September, 2014 is quashed and set aside. Revision Petition is restored to the Minister for a fresh decision after hearing the parties.

8 Needless to state that the Minister would pass an a fresh order as expeditiously as possible after the conclusion of the hearing. This to ensure that it does not fall foul of the Apex Court's decision referred to herein above.

9 In the above view, **Petition** is **allowed** by way of remand.

10 It is made clear that the merits of the dispute between the parties have not been examined by me.

(M.S.SANKLECHA,J.)