

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 38 OF 2018

THE BARDEZ BAZZAR CONSUMER
CO-OPERATIVE SOCIETY LTD., THR.
ITS GENERAL MANAGER AND 13 ORS., ... Petitioners

Versus

JAIWANT P. NAIK AND 2 ORS., ... Respondents

Mr. Parag S. Rao, Advocate for the petitioners.
Mr. Arjun F. Naik and Ms. Mehendi Naik, Advocate for
respondent No.1.
Mr. Pravin Faldessai, Additional Govt. Advocate for respondents
No.2 and 3.

Coram:- SHANTANU S. KEMKAR &
NUTAN D. SARDESSAI, JJ.

Date:- 10th January 2018

P.C.:

After arguing the matter for sometime, in view of the preliminary objection raised by the learned Counsel for the respondents about availability of alternative remedy of filing a review before the Registrar or an appeal before the Tribunal, the learned Counsel for the petitioners seeks leave to withdraw this petition, with liberty to challenge the impugned order dated 15th December, 2017, passed by the Registrar of Co-operative Societies, Panaji, Goa in Dispute No.21/2017/RCS/3555 before the Co-operative Tribunal.

2. The prayer is allowed as we are also of the considered view that Section 114A of the Goa Co-operative Societies Act, 2001 provides for an appeal against the impugned order before the Co-operative Tribunal. With the aforesaid liberty, the petition is allowed to be withdrawn.

3. All contentions of the parties, except about the maintainability of appeal before the Co-operative Tribunal, are kept open.

NUTAN D. SARDESSAI, J. SHANTANU S. KEMKAR, J.
ssm.