

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1072 OF 2018

QUINTA COQUEIRO CO-OP. HOUSING
MAINTENANCE SOCIETY LTD., REP. BY
CHAIRMAN, AVINASH SWAMY AND 5
ORS.,

... Petitioners

Versus

REGISTRAR OF CO-OPERATIVE
SOCIETIES, DEPT. OF CO-OP.
SOCIETIES, GOVT. OF GOA AND 8
ORS.,

... Respondents

Shri Shivan Desai, Advocate for the petitioners.

Shri J. Supekar, Advocate for the original Caveator.

Shri S. Dhargalkar, Additional Government Advocate for the
respondent Nos.1 and 2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 30th October 2018

P.C.:

Heard Shri Shivan Desai, learned Advocate for the petitioners
and Shri J. Supekar, learned Advocate for the original Caveator.

2. Shri J. Supekar, learned Advocate for the original Caveator
submits that the petition is not maintainable as the petitioners
have a remedy by way of an appeal under Section 114(A) of the
Co-Operative Societies Act.

3. Considering that the petitioners have an alternate remedy by way of an appeal before the Co-Operative Tribunal in terms of Section 114(A) of the Act, the petitioners shall avail of the said remedy within three weeks from today.

4. Nonetheless, considering that the impugned order is likely to affect the functioning of the petitioner-society, ad-interim stay is granted in terms of prayer clause 'b' till three weeks.

5. The Co-Operative Tribunal before whom the petitioners shall invoke its jurisdiction shall not be influenced by the observations made by this Court.

6. In the meantime, the petitioners shall not take any decision involving financial implications except for the payment of maintenance.

7. The petition accordingly stands disposed off.

NUTAN D. SARDESSAI, J.