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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8636 OF 2014
WITH
CIVIL APPLICATION NO.630 OF 2018
IN
WRIT PETITION NO.8636 OF 2014

The Gautam Gandhar Co-op. Hsg. Soc. Ltd. ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Nikhil Sakhardande with Mr.Pralhad Paranjape and Ms.Shubhra Swami for the Petitioner.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3.

Mr.S.S. Patwardhan for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 13TH MARCH, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 23rd July, 2014 passed by the learned Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune in Appeal No.45 of 2013.

2. This Court by an order dated 22nd August, 2014 had recorded the statement made by the learned counsel appearing for the petitioner that the impugned order under section 102 of the

Maharashtra Co-operative Societies Act, 1960 was passed without hearing the petitioner society. This statement was disputed by the learned counsel appearing for the respondent nos.4 to 8. This Court granted time to bring on record the relevant documents in this regard. This Court passed an order of *status-quo* on 22nd August, 2014.

3. On 5th May, 2017, this Court made observations that a perusal of the affidavit in reply filed by the respondent nos.1 to 3 does not clarify the position whether the petitioner was given any hearing or not.

4. It is not in dispute that the respondent nos.4 to 8 did not file any affidavit in support of their contentions raised before this Court on 22nd August, 2014 that hearing was given to the petitioner society.

5. A perusal of the two affidavits filed by the respondent nos.1 to 3 also does not indicate that the petitioner was given any hearing before passing an order under section 102 of the Maharashtra Co-operative Societies Act, 1960. The impugned orders are accordingly set aside. The proceedings before the learned Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune in Appeal No.45 of 2013 are restored to file. The learned Divisional Joint Registrar, Co-operative Societies, Pune Division,

Pune shall hear the parties and shall pass a fresh order without being influenced by the observations made and the conclusion drawn in the order dated 23rd July, 2014 and in accordance with law. All the contentions raised by the petitioner in this writ petition on merits of the matter as well as about the maintainability of the liquidation proceedings are kept open and the same can be agitated before the learned Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune.

6. The fresh order shall be passed expeditiously and in any event before expiry of four months from the date of the first hearing.

7. The parties are directed to remain present before the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune on 22nd March, 2018 at 3:00 p.m. The petitioner is directed to convey this order to the respondents.

8. Rule is made absolute in aforesaid terms. No order as to costs.

9. In view of disposal of the writ petition, the Civil Application No.630 of 2018 does not survive and is accordingly disposed of.

10. All the parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)