

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

WRIT PETITION NO.6372 OF 2015

Arun Namdeo Pawar	.. Petitioner
Vs.	
G.G. Balsane & Ors.	.. Respondents

Mr.Anilkumar Patil for the petitioner.
Mr.S.D.Rayrikar, AGP for the respondent nos.6 & 7.

CORAM : R.D. DHANUKA, J.
DATE : 7th August 2018

P.C.:

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 23rd April 2015 passed by the Divisional Joint Registrar, Co-operative Societies, Nashik rejecting the Revision Application No.R-68 of 2013 and also the impugned judgment and award dated 5th March 2012 passed by the respondent no.5.

2. It is the case of the petitioner that the petitioner was not served with notice from the respondent no.5 before passing the order against the petitioner. The learned Divisional Joint Registrar did not consider this aspect in the impugned order in the Revision Application No.R-68 of 2013 and dismissed the revision application filed by the petitioner.

3. Pursuant to the order dated 27th June 2018 passed by this Court, this Court had directed the respondent nos.1 to 3 to produce the records and proceedings of the hearing of Case No.62 of 2012 before this

Court. The said order was modified by an order dated 24th July 2018 and the petitioner is allowed to take inspection of the records and proceedings in the office of the respondent no.6. The petitioner took inspection of the records and proceedings in the office of the respondent no.6. This records are also produced before this Court for perusal of this Court.

4. Mr.Rayrikar, learned AGP for the respondent nos.6 & 7 could not satisfy this Court that the petitioner was served with any notice from the respondent no.5 before passing the impugned order. I am thus inclined to accept the submission of Mr.Patil, learned counsel for the petitioner that the impugned order is in violation of the principles of natural justice and deserves to be set aside.

5. I therefore pass the following order :-

- (i) The impugned judgment and award dated 5th March 2012 passed by the respondent no.5 in Award No.62 of 2012 is quashed and set aside.
- (ii) In view of the fact that the order dated 5th March 2012 passed by the respondent no.5 is set aside, the order dated 23rd April 2015 passed by the Divisional Joint Registrar is also quashed and set aside.
- (iii) The records and proceedings in Award No.62 of 2012 are restored to file before the respondent no.5.
- (iv) The petitioner is directed to appear before the respondent no.5 on 23rd August 2018 at 3.00 p.m. along with his affidavit-in-reply, if any, to the proceedings before the respondent no.5. It is made clear that no further extension of time would be granted.
- (v) The respondent no.5 shall decide the matter afresh expeditiously without being influenced by the observations made and the conclusions drawn in the impugned orders dated 5th March 2012 and 23rd April

2015.

(vi) The respondent no.5 is directed to serve papers and proceedings upon the petitioner within one week from today.

(vii) It is made clear that this Court has not expressed any views on merits of the matter.

(viii) All contentions of both the parties on merits are kept open.

(ix) The parties shall not seek any unnecessary adjournment in the matter.

(x) Writ petition is disposed of in aforesaid terms. No order as to costs.

(xi) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.