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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6513 OF 2017
WITH
WRIT PETITION (STAMP) NO.15991 OF 2017

Firdaus D. Mehta & Anr. ...Petitioners
V/s.
State of Maharashtra & Ors. ...Respondents

Mr.Ram S. Apte, Senior Counsel i/b Mr.Kalpesh V. Patil for the
Petitioners.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3 in
W.P. No.6513 of 2017.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 to 3 in W.P.
(St.) No.15991 of 2017.

Mr.Susheel Mahadeshwar i/b Ms.Ranjana Todankar for the
Respondent Nos.6 to 14 in W.P. No.6513 of 2017 and in W.P. (St.)
No.15991 of 2017.

CORAM : R.D. DHANUKA, J.
DATE : 25TH APRIL, 2018.

P.C. :-

1. By consent of parties, the order dated 17th April, 2018 is clarified.
2. The order after clarification reads as under : -
3. By consent of parties, the common order dated 31st May, 2017 passed by the learned Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai in Revision Application No.630 of 2016 and in Appeal No.61 of 2017 and the order dated 29th November, 2016 passed by the Deputy Registrar under section 78(A)

(b) and order dated 30th January, 2017 passed under section 77-A of the Maharashtra Co-operative Societies Act, 1960 by the Deputy Registrar are set aside. The show cause notice dated 10th October, 2016 issued by the learned Deputy Registrar, annexed at Exhibit "A" to the Writ Petition No.6513 of 2017 is restored to file. Learned Deputy Registrar shall pass a fresh order on the said show cause notice after hearing the petitioners in Writ Petition No.6513 of 2017 as well as the complainant, without being influenced by the observations made in the order dated 29th November, 2016 and in the order passed by the learned Divisional Joint Registrar in the order dated 31st May, 2017 and the conclusion drawn therein and in accordance with law. The learned Deputy Registrar, Co-operative Societies shall pass a fresh order on the said show cause notice under section 78-A(b) within four months from the date of the first meeting.

4. The parties are directed to appear before the learned Deputy Registrar, Co-operative Societies, A-Ward, Mumbai on 27th April, 2018 at 11:00 a.m.

5. The learned Deputy Registrar, Co-operative Societies, A-Ward, Mumbai is directed to hold the fresh election in respect of the four posts of the Managing Committee of the society which are vacant within the time prescribed under the provisions of the Maharashtra Co-operative Societies Act, 1960 without any delay. Till such election

is held and those four posts are filled up, the learned Deputy Registrar, Co-operative Societies, A-Ward, Mumbai shall make *ad-hoc* appointment in respect of those four posts.

6. It is made clear that till the issue is decided by the learned Deputy Registrar under the said show cause notice, which is the subject matter of these writ petitions and till the election to the Managing Committee is held by the learned Deputy Registrar for four vacant posts, the existing four members along with other four members who would be appointed by the Registrar, Co-operative Societies would continue to manage the affairs of the society and would be eligible to take all decisions on behalf of the society in accordance with law.

7. However, if any adverse order is passed by the learned Deputy Registrar, Co-operative Societies in the said show cause notice, the same shall not be implemented for two weeks from the date of communication of the said order to the petitioners.

8. Both the writ petitions are disposed of in aforesaid terms. There shall be no order as to costs.

9. All the parties, including the Authorities to act on the authenticated copy of this order.

10. The praecipe is disposed of.

(R.D. DHANUKA, J.)