

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 11612 OF 2016

Sahadev Dattatray Nadawadekar
and others

...Petitioners

Versus

Commissioner for Co.operation and Registrar
Co.operative Societies and Ors

...Respondents

....

Mr. S.S. Redij, Advocate for the Petitioners.

Mr. S.H. Kankal, AGP, for Respondents No.1 to 3 and 5.

....

CORAM : R. G. KETKAR, J.

DATE : 26th NOVEMBER, 2018

P.C.

1. Heard Mr.S.S. Redij, learned counsel for the petitioners and Mr.S.H. Kankal, learned A.G.P. for respondents No.1 to 3 & 5, at length.

2. This Petition takes exception to the order dated 8.7.2016 passed by the Hon'ble Minister for State, Co-operation, Mantralaya, Mumbai in Revision Application No.773/2015. By that order, the Hon'ble Minister condoned the delay in filing Revision Application and dismissed the Revision Application preferred by the petitioners challenging the audit report submitted by auditor for the period from 1.4.2013 to 31.3.2014 before the Assistant Registrar.

3. After arguing the petition for quite some time, Mr. Redij seeks permission to withdraw Revision Application filed before the Hon'ble Minister as also this Petition with liberty to file fresh representation in terms of Section 81(3)(c) of the Maharashtra Co-operative Societies Act, 1960 (for short, 'Act') before the Registrar. Within four weeks from today. He submitted that the Registrar may be directed to take appropriate decision on that representation in accordance with law.

4. In view thereof, on the motion made by Mr. Redij, Revision Application filed before the State Government, namely, Revision Application No.773/2015 is allowed to be withdrawn. In view of withdrawal of Revision Application, the impugned order stands dissolved. The petitioner is also permitted to withdraw this Petition with liberty to file fresh representation before the Registrar within four weeks from today in terms of Section 81(3)(c) of the Act. If such a representation is made before the Registrar, the same shall be decided in accordance with law as expeditiously as possible and in any case within three months from receipt of the representation. It is made clear that I have not examined the merits of the case. Order accordingly.

(R. G. KETKAR, J.)