

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

WRIT PETITION NO.12250 OF 2015

Minerva Premises Co-operative Society Ltd. .. Petitioner
Vs.
District Deputy Registrar, Mumbai -1 & Anr. .. Respondents

Mr.Abhishek Sawant a/w Mr.Manish Mirpuri i/by M/s.Premier Legal Practices for the petitioner.
Mr.S.D.Rayrikar, AGP for the respondent no.1.

**CORAM : R.D. DHANUKA, J.
DATE : 30th July 2018**

P.C.:

. Learned counsel for the petitioners states that the respondent no.2 has been served. None appeared for the respondent no.2 though served when the matter was called out.

2. The petitioner filed a revision application under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short “the said Act.”) impugning the order dated 27th August 2015 passed by the learned District Deputy Registrar, Co-operative Societies, Mumbai-1 rejecting the application under Section 101 of the said Act. There is delay of 9 days in filing the revision application filed by the Society under Section 154 of the said Act before the learned District Deputy Registrar.

3. A perusal of the order dated 27th August 2015 passed by the learned District Deputy Registrar rejecting the revision application indicates that though none of the respondents to the said application for

condonation of delay were present, the learned District Deputy Registrar while passing the impugned order has recorded that after going through the documents produced by both the parties, the said order was passed. While rejecting the application for condonation for delay of 9 days and for deciding the validity of the order passed by the lower authority, the learned District Deputy Registrar has held that the said order was proper.

4. I have perused the application for condonation of delay annexed at Exhibit 'D1' to the petition. The petitioners have made out a case for condonation of delay of 9 days in filing the revision application. Learned District Deputy Registrar, Co-operative Societies, Mumbai-1 thus could not have rejected the application for condonation of delay and could not have considered the validity of the order passed by the lower authority in the impugned order.

5. I therefore pass the following order :-

- (i) The impugned order dated 27th August 2015 thus passed by the District Deputy Registrar, Co-operative Societies, Mumbai -1 is quashed and set aside. Delay of 9 days in filing revision application is condoned.
- (ii) The learned District Deputy Registrar, Co-operative Societies, Mumbai-1 is directed to hear the revision application filed by the petitioner under Section 154 of the said Act on its own merit without being influenced by the observations made in the impugned order dated 27th August 2015 and the conclusions drawn therein.
- (iii) The said revision application filed by the petitioner shall be disposed of expeditiously and not later than four months from the date of first hearing.

- (iv) The petitioner is directed to appear before the learned District Deputy Registrar, Co-operative Societies, Mumbai-1 on 10th August 2018 at 11.00 a.m.
- (v) The petitioner is directed to convey this order to the respondent no.2 for compliance. The respondent no.2 shall also remain present before the learned District Deputy Registrar on the appointed date.
- (vi) If the time and date is not convenient to the learned District Deputy Registrar, he shall convey the earliest convenient date to both the parties.
- (vii) Writ petition is disposed of in aforesaid terms. No order as to costs.
- (viii) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.