

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.789 OF 2018

The Zodiac Park Co-op. Housing Society Ltd. ... Petitioner

Versus

The Assistant Registrar of Cooperative Societies
and another.

.... Respondents

Ms. Asha Desai, Advocate for the Petitioner.

Mr. Amogh Prabhudessai, Additional Government Advocate for
Respondent Nos.1 & 2.

***Coram : M.S. Sonak &
Prithviraj K. Chavan, JJ.***

Date : 2 February 2019.

P.C. :

Heard Ms. Asha Desai, learned counsel for the petitioner
and Mr. Amogh Prabhudessai, learned Additional Government
Advocate for respondent nos.1 and 2.

2. The challenge in this petition is to the order dated
12.12.2017 by which, the Assistant Registrar of Cooperative Societies
has declared that all the members of existing Board of the Zodiac Park
Cooperative Housing Society Ltd., Alto-Porvorim, Bardez-Goa, are

disqualified for being chosen as the Directors of the Board of the said Society for a period of five years from the date of issue of this order and has further rendered these members ineligible to continue as Directors of the Society.

3. After this matter was argued for some time, Ms. Desai, learned counsel, submits that the petitioners, without prejudice to their rights and contentions, there were no lapses, have now, complied with all the requirements, as were pointed out to them in relation to the affairs of the Society. She, therefore, submits that the Assistant Registrar of Cooperative Societies, may be directed to consider not only the present petition as representation but, the petitioner may be permitted to file an additional representation along with additional documents and even the same may be considered as a representation for recall/revocation of the order dated 12.12.2017. She points out that against the order dated 12.12.2017, there is no statutory appeal provided.

4. Mr. Prabhudessai, learned Additional Government Advocate, on the basis of the instructions from Mr. Harish S. Naik, Cooperative Officer, states that there can be no difficulty for accepting the suggestions made by Ms. Asha Desai. He. However, submits that the

Assistant Registrar, Cooperative Societies, on considering the representations as aforesaid, may be permitted to make order on their own merits and in accordance with law.

5. Accordingly, we grant liberty to the petitioner to file detailed representation along with additional documents to the Assistant Registrar, Cooperative Societies, who has made impugned order dated 12.12.2017. We also direct the Assistant Registrar, Cooperative Societies, to treat this petition as representation. Thereafter, we direct the Assistant Registrar of Cooperative Societies to give hearing to all the concerned parties and thereafter dispose of the representations as aforesaid, on their own merits and in accordance with law as expeditiously as possible and, in any case, within a period of three months from today. The decision be communicated to all the concerned.

6. We make it clear that we have not examined the merits of the matter and, therefore, all the contentions of the parties are left open to be examined by the Assistant Registrar of Cooperative Societies, North Zone, Mapusa-Goa.

7. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

8. All concerned to act on the basis of an authenticated copy of this order.

Prithviraj K. Chavan, J.

M.S.Sonak, J.