

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

WRIT PETITION NO.10368 OF 2019

Bharat Builders and Developers ... Petitioner

V/s.

State of Maharashtra and ors. ... Respondents

Mr.Mayur Khandeparkar with Mr.Nikhil Patil i/by Mr. Prabhakar Jadhav for the Petitioner.

Mr.S.S.Panchpor, AGP for Respondent Nos.1,2 and 3-State.

Mr.Sangram Yadav i/by Mr. S.R.Ganbawale for Respondent No.4.

CORAM : UJJAL BHUYAN, J.

DATE : OCTOBER 16, 2019.

P.C.:-

1. Heard Mr.Mayur Khandeparkar, learned counsel for the petitioner; Mr.S.S.Panchpor, learned AGP for respondent Nos.1,2 and 3 and Mr.Sangram Yadav, learned counsel for respondent No.4.

2. This petition filed under Article 227 of the Constitution of India challenges order dated 7th August,

2019 passed by the Revisional Authority i.e. respondent No.1 staying the operation of order dated 25th March, 2019 passed by the Appellate Authority i.e. respondent No. 2 in the appeal filed by the petitioner.

3. Facts in a nutshell are that respondent No.4 registered itself as a co-operative society under the Maharashtra Co-operative Societies Act, 1960 and obtained the registration certificate dated 13th July, 2018. Petitioner objected to such registration contending that such registration was contrary to the tripartite agreement entered into between the petitioner, Kolhapur Municipal Corporation and the Unit (Flat) holders. In this connection, petitioner preferred an appeal before respondent No.2, which was registered as Appeal No. 140 of 2018. By order dated 25th March, 2019, the appeal was allowed by cancelling registration certificate of respondent No.4 and remanding the matter back to the appropriate authority for a decision on merit after giving due opportunity of hearing to the parties.

4. Against the aforesaid order, respondent No.4 preferred revision application before respondent No.1 under Section 154 of the aforesaid Act. Alongwith the said revision application, respondent No.4 also filed a stay application. By order dated 7th August, 2019, stay prayer of respondent No.4 was granted by staying the appellate order dated 25th March, 2019.

5. Learned counsel for the petitioner submits that effect of such stay order would amount to revival of the registration certificate, which was set aside by the Appellate Court.

6. After hearing learned counsel for the parties and on due consideration, court is of the view that it would meet the ends of justice if respondent No.1 is directed to hear and decide the revision application expeditiously and till such time the registration certificate of respondent No.4 should not be given effect to.

7. Accordingly and in the light of the above,

respondent No.1 is directed to decide the revision application filed by respondent No.4 within a period of two months from the date of receipt of an authenticated copy of this order after giving reasonable opportunity of hearing to all the parties. Till the time the revision application is decided, registration certificate of respondent No.4 dated 13th July, 2018 shall not be acted upon.

8. With the above directions, Writ Petition is disposed of.

(UJJAL BHUYAN, J.)

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