

BDP-SPS

Bharat
D. Pandit

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6735 OF 2019

Rishabh Tower Co-operative Housing
Society

.... Petitioners.

V/s

The State of Maharashtra and Others

.... Respondents.

Mr. Tejesh Dande I/b Mr. Amey Sawant for the Petitioners.

Mr. V.S. Kapse I/b Sohil Gulabani for Respondent No.4.

Mr. C.D. Mali, AGP for Respondent Nos. 1 to 3.

CORAM: NITIN W. SAMBRE, J.

DATE: 23rd July, 2019

P.C.:-

1] The orders impugned, at the behest of the Petitioners-Society, are claimed to have been passed under Section 79 of the Maharashtra Co-operative Societies Act, whereby bills of demand of maintenance from the Respondent-member are quashed and set aside by the

Registrar.

2] After having heard, the respective Counsel for sometime, upon plain reading of the provisions of Section 79, it can be inferred that no authority is vested in the Registrar to adjudicate the issue, particularly as regards validity of the calculations and amount to be recovered from the Respondent-member

3] In view of above, both the orders impugned i.e. one passed by the Deputy Registrar, Co-operative Societies on 23/1/2018 and the other dated 03/01/2019 passed in appeal under Section 152 are hereby quashed and set aside. It shall be open for the Respondent-member to canvass the grievance before the competent authority on the issue of the adjudication of demand bills raised against him. If such issues are raised by the Respondent-member, the same are required to be decided by the competent authority without being influenced by the finding recorded in this order or the orders impugned in the Petition, which are already quashed and set aside.

4] In the meantime, learned Counsel for the Petitioners undertakes not to take any coercive action against the Respondent-member for a period of eight weeks from today.

5] Petition stands disposed of in the aforesaid terms.

(NITIN W. SAMBRE, J.)