

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1468 OF 2016**

Vinayak Sudhakar Chaskar

.....Petitioner.

Vs.

Raj Nandkumar Agarwal & Ors.

.....Respondents.

Mr. Sanjay Kshirsagar for the Petitioner.

Mr. S.S.Shah for the Respondent No.1.

Mr. S.H. Kankal, AGP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 16th SEPTEMBER, 2019.

P.C.:-

By the present Petition, the Petitioner has impugned Order dated 19th September. 2013 passed by Respondent No.2 in Revision Application No. 692 of 2008.

2 The record indicates that, on 5th August, 2013, the Desk Officer, attached to the Department of Co-operation, Market and Textile, Maharashtra, issued notice of hearing of Revision Application No. 692 of 2008 against the Order passed in Appeal No. 45 of 2007 filed by the Respondent No.1 before the Respondent No.2 and the same was received by the Petitioner on 6th August, 2013, directing the Petitioner to remain present before the Respondent No.2, on 7th

August, 2013 at 2.30 p.m.

3 The record further indicates that, the Petitioner accordingly appeared on 7th August, 2013 before the Respondent No.2 and sought time to file reply and arguments. In this background, the the Petitioner received intimation of disposal of Appeal by its Order dated 19th September, 2013 by the Respondent No.2. Thus, the record is clear that, without hearing the Petitioner herein in the matter, the Respondent No.2 has passed the impugned order dated 19th September, 2013.

4 In view thereof, the impugned Order dated 19th September, 2013 is hereby quashed and set aside and the said Revision Application No. 692 of 2008 is restored to the file of Respondent No.2.

 The Respondent No.2 is directed to grant an opportunity of hearing to all the concerned before passing the appropriate Order as per the provisions of law.

5 The Petitioner and Respondent No.1 are directed to remain present before the Respondent No. 2 on 22nd October, 2019 at 2.30 p.m. The Respondent No.2 may thereafter fix the appropriate date of hearing of the said Revision.

 Petition is allowed in the aforesaid terms.

6 The office bearers of the Ramkrishna Co-operative Housing Society Limited, Shaniwar Peth, are permitted to operate the bank account for its day-to-day affairs and deposit of the monthly contribution of the members of the said Society.

(A.S. GADKARI, J.)