

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

WRIT PETITION NO.11475 OF 2019

Avinash Jagannath Mohite and ors. ... Petitioners

V/s.

Bhagwat Anna Kale and ors. ... Respondents

Mr.S.S.Patwardhan i/by Mr.C.G.Patil, Advocate for the
Petitioners.

Mr.C.D.Mali, AGP for Respondent No.4-State.

**CORAM : UJJAL BHUYAN, J.
DATE : NOVEMBER 29, 2019.**

P.C.:-

1. Heard Mr.S.S.Patwardhan, learned counsel for the
petitioners; and Mr.C.D.Mali, learned AGP for respondent
No.4.

2. Considering the limited nature of grievance
expressed by the petitioners and the order that is
proposed to be passed, issuance of formal notice to the
remaining respondents is considered not necessary and
the case is taken up for disposal at this stage itself.

3. Petitioners are members of respondent No.3 which is a Co-operative Society governed by the provisions of Maharashtra Co-operative Societies Act, 1960. In fact, in the last elections three of the petitioners were elected as members of the Board of Directors.

4. It may be mentioned that an inquiry was conducted with respect to affairs of respondent No.3 under Section 83 of the Maharashtra Co-operative Societies Act, 1960 whereafter inquiry report has been submitted. This report is construed to be adverse to the petitioners.

5. Being aggrieved, petitioners have preferred revision application under Section 154 of the aforesaid Act before the Hon'ble Minister of Co-operation, Maharashtra State on 1st March, 2019 alongwith an application for stay.

6. Grievance of the petitioners is that for one reason or the other the revision application has not been heard; so also the stay application.

7. On the other hand, Registrar of Co-operative Societies has decided to hold inquiry under Section 88 on the basis of the inquiry report under Section 83. Submission is that if the inquiry is proceeded before

decision is given on the revision application filed by the petitioners, it may cause serious prejudice.

8. Considering the grievance expressed by the petitioners and on due consideration, Revisional Authority is directed to take on board the revision application stated to have been filed by the petitioners on 1st March, 2019 alongwith the stay application and decide the same in accordance with law within a period of three months from the date of receipt of an authenticated copy of this order.

9. During this period Registrar of the Co-operative Societies and the authorities acting under him shall not proceed on the basis of the inquiry report prepared under Section 83 of the Maharashtra Co-operative Societies Act, 1960.

10. Writ petition is disposed of.

(UJJAL BHUYAN, J.)

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