

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12028 OF 2019

Nandadeep Co-operative Housing Society Ltd. Through
its Chairman Tanaji Vithoba Wajage ... Petitioner
Vs.
Ramdas Balaji Kolhe and others ... Respondents

Mr. T. D. Deshmukh for Petitioner.
Mr. Nitesh Bhutekar for Respondent No.1.
Mr. C. D. Mali, AGP for Respondent Nos.2 to 5-State.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 4, 2019

P.C. :

Heard Mr. Deshmukh, learned counsel for the petitioner and Mr. Bhutekar, learned counsel for respondent No.1; Also heard Mr. Mali, learned AGP for respondent Nos.2 to 5-State.

2. Petitioner is a Co-operative Housing Society registered under the Maharashtra Co-operative Societies Act, 1960 (Act hereinafter). By the impugned order dated 18.10.2019 passed by the Divisional Joint Registrar of Co-operative Societies, Pune Division, Pune in Application No.8 of 2017 filed by respondent No.1, registration of the petitioner was directed to be cancelled under Section 21-A(1) of the Act.

3. It is stated that against the aforesaid order dated 18.10.2019, petitioner has preferred an appeal before the State Government i.e. respondent No.5. The appeal was filed on 15.11.2019. Since no decision was taken in the appeal, the present writ petition has been filed.

4. Learned counsel for the petitioner expresses the apprehension that following the order dated 18.10.2019, District Deputy Registrar of Co-operative Societies, Pune Rural may cancel its registration.

5. At this stage, learned counsel for respondent No.1 submits that registration of the petitioner has already been cancelled on 24.10.2019.

6. Learned counsel for the petitioner submits that this order has not yet been served upon the petitioner.

7. Be that as it may, since the appeal of the petitioner is pending before respondent No.5, Court is of the view that it would be in the interest of justice if the appeal of the petitioner is heard and decided by the Appellate Authority one way or the other in accordance with law. Considering the subsequent development, petitioner may file application for stay in which event the same may be considered by the appellate authority in accordance with law.

8. Ordered accordingly.

9. Since the contesting parties are before the Court, let them appear before the Principal Secretary to the Government of Maharashtra, Co-operation Department on 18.12.2019 at 10:30 a.m., whereafter the Appellate Authority shall decide the appeal as well as the stay application in accordance with law within a period of two months thereafter.

10. No opinion is expressed on merit and all contentions are kept open.

11. Writ Petition is disposed of.

(UJJAL BHUYAN, J.)