

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.331 OF 2019

IN

WRIT PETITION NO.1782 OF 2019

M/s. Ramchandra Assandas Premises Pvt.Ltd.Applicant

In the matter between

Crystal Co-operative Housing SocietyPetitioner

Versus

The State of Maharashtra & Ors.Respondents

Mr. Vineet B. Naik, Senior Advocate a/w. SukandJ Kulkarni i/b. Neha Nagotaneekar, Advocate for the Applicant.

Mr. Piyush Raheja a/w. Krishna Borkute, Ankur Kalal i/b. Markand Gandhi & Co., Advocate for the Petitioner.

Mr. Amit Shastri, AGP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 8th AUGUST, 2019.

P. C. :

1. On 19th July, 2019 we heard the learned counsel for the petitioner and by relying upon the judgment in case of ***Indrasan Co-operative Housing Society Ltd. Vs. The State of Maharashtra & Ors., reported in 2015(1) ALL MR 50*** revolving around the exercise of powers of the Deputy Registrar under Section 79, sub-section (2) of the Co-

operative Societies Act, we found substance in the contention of the learned counsel for the petitioner and we granted interim relief in terms of prayer clause (d). In the present Notice of Motion, the learned senior counsel for the applicant has invited our attention to the subsequent Division Bench judgment of this Court in the case of ***Bhandara Zilla Parishad Wa Panchayat Samiti Karmachari Sanstha Ltd. Vs. Divisional Joint Registrar & Ors., reported in 2016 (1) Bom.C.R.617.*** In light of this judgment, we have also perused the judgment of the learned Single Judge of this Court in case of ***Maitri Park Co-operative Housing Society Ltd., Mumbai Vs. Virendra Khanna & Ors., reported in 2019(1) Mh.L.J. 109*** and another judgment of the learned Single Judge in case of ***Pravinkumar R. Salian Vs. Chief Minister And Minister of Co-operation, Mumbai & Ors., reported in 2004(2) Mh.L.J.12.***

2. In light of the said arguments, we deem it expedient to place the petition for final hearing in the week commencing from 3rd September, 2019.

3. Pending the final hearing, we are not inclined to continue the interim relief granted by order dated 19th June, 2019 in terms of clause (d). However, interim order passed by us on 19th June, 2019 in terms of prayer clause (d) stands modified in terms of the statement made by the learned counsel for the petitioner to the effect that they will not recover

the said charges from the Respondent No.4. Needless to say that the deposit of charges would be subject to the final outcome of the petition.

4. The Notice of Motion is disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]