

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

WRIT PETITION NO.879 OF 2020

Wassoodew Co-op. Hsg. Ltd.	..Petitioner
Vs.	
Dy. Registrar Co-op. Soc. H (West)	
Ward Mumbai and Ors.	..Respondents

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Mr. Kunal Bhangе a/w. Anirban Tripathy i/b. Rupesh Mandhare,
Advocate for Petitioner.
Mr. P. P. Pujari, AGP for Respondent Nos.1, 3 and 4 / State.
Mr. Ashok Pagare, Co-operative Officer – II present.

**CORAM : C.V. BHADANG, J.
DATE : 04th FEBRUARY, 2020**

JUDGMENT:

. Rule made returnable forthwith. Learned AGP waives service for respondent Nos.1, 3 and 4. Heard finally by consent of parties.

2. The challenge in this petition is to the order dated 7/12/2019 passed by the third respondent as well as the notice dated 17/1/2020 issued by the second respondent to the petitioner. By the impugned order dated 7/12/2019, the learned Executive Magistrate Andheri has directed the record of the petitioner society being taken in possession and handed over to the auditor and authorised officer Mr. Deepak Kekane.

3. Learned counsel for the petitioner submitted that the authorised officer has sent a notice by Whats App on 17/1/2020 and prior thereto there was no notice served on the petitioner society.

4. This petition was adjourned on the previous dates in order to enable the AGP to take instructions and to produce documents about issuance and service of any notice on the authorised representative of the petitioner society. Learned AGP has today produced the record for perusal of the Court which only shows an office copy of the notice dated 14/3/2019 which is addressed to the Chairman / Secretary of the said society. A specific query was made to the learned AGP to show acknowledgment or any other proof of service of the said notice on the petitioner. Learned AGP on instructions stated that the said notice was sent by ordinary post. In any event, there is no proof of service of the said notice on the petitioner produced on record.

5. At this stage, learned AGP states that he has shared the details of the documents required by the complainant Ms. Jennifer Rebello to the learned counsel for the petitioner. Learned counsel for the petitioner states that he will ascertain the availability of the documents in the record of the society and shall supply the documents, which are permissible to be issued under Section 154 of the Maharashtra Co-operative Societies Act, within two weeks from today. The statement so made is accepted.

6. For this purpose, the learned counsel for the petitioner states that the authorised representative of the petitioner shall remain present before the respondent No.1 on 18/2/2020 at 3.00 p.m.

7. The first respondent shall issue a notice to Ms. Jennifer Rebello and first respondent shall pass appropriate order as may be deemed fit and in accordance with law.

8. Subject to this, the petition is allowed. The impugned order is hereby set aside.

Rule is made absolute in the aforesaid terms with no order as to costs.

C.V. BHADANG, J.