

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

WRIT PETITION (STAMP) NO.1666 OF 2020

Ishwarendra Singh & Ors. ..Petitioners
Vs.
The Dy. Registrar Cooperative Societies & Ors. ..Respondents

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Mr. Deepak Shukla i/b. B. N. Shukla & Co., Advocate for Petitioners.
Mr. A. R. Metkari, AGP for Respondent Nos.1 & 2 / State.
None present for Respondent Nos.3 to 10.

**CORAM : C.V. BHADANG, J.
DATE : 27th FEBRUARY, 2020**

PC.

. Heard. Learned counsel for the petitioners to remove office objections, if any, within one week. Office to register the petition subject to removal of office objections. The affidavit of service filed by the petitioners is taken on record.

2. The challenge in this petition is to the order dated 15/1/2020 passed by the first respondent thereby appointing Mr. Sachin Mhoperkar, the certified auditor as an authorised officer to manage the affairs of the Om Ram Sagar Co-operative Housing Society Ltd. under section 77-A of the Maharashtra Co-operative Societies Act ('Act' for short).

3. Learned AGP appearing for the respondent Nos.1 and 2 has raised a preliminary objection. It is submitted that the petitioners have an alternate remedy to file an appeal before the Divisional Joint Registrar under Section 152 of the said Act.

4. Learned counsel for the petitioners, on instructions, states that petitioners shall take recourse to the said remedy within a period of two weeks from today. It is further submitted that on account of the impugned order, the office bearers of the society are even unable to pay the necessary utility bills such as water tax, property tax and electricity bills. Learned counsel stated that there is a notice issued by Adani Electricity on 4/2/2020 asking the society to make the payment of the electricity charges, failing which disconnection is imminent. He therefore submits that in the meantime, some limited protection may be granted to the petitioners.

5. In such circumstances, the petition is disposed of. It will be open to the petitioners, if so advised, to challenge the impugned order in an appeal under Section 152 of the said Act within two weeks from today.

6. If the petitioners seek condonation of delay in filing the said appeal, if any, the Appellate Authority shall have due regard to Section 5 and 14 of the Limitation Act. This Court however has not expressed any opinion on the maintainability or merits of any such remedy.

7. In the meantime, it is directed that the impugned order shall not preclude the office bearers of the society to pay the necessary utility, property tax, water tax bills and all other outgoings, as are necessary for maintaining the essential services to the members of the said society. However, the office bearers shall not take any major policy decisions.

8. This order shall remain in force for four weeks from today. It will be open to seek appropriate remedy from the Appellate Authority in the meantime. The rival contentions of the parties are left open.

9. Bankers of the society to act on the basis of this order.

C.V. BHADANG, J.