

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

WRIT PETITION NO.366 OF 2020

Khwaja Garibnawaj Minority
Textile Co-op. Industries Ltd. Miraj ...Petitioner

Versus

The District Deputy Registrar, Co-
op. Societies, Sangli and Ors. ...Respondents

**WITH
WRIT PETITION NO.368 OF 2020**

Loknete Rajarambapu Garment Co-
op. Industries Ltd., Miraj ...Petitioner

Versus

The District Deputy Registrar, Co-
operative Societies, Sangli and Ors. ...Respondents

**WITH
WRIT PETITION NO.407 OF 2020**

Hajrat Khwaja Shamanmira Minority
Textile Co-op. Society Ltd., Miraj ...Petitioner

Versus

The District Deputy Registrar, Co-
operative Societies, Sangli and Ors. ...Respondents

....

Mr. Ashutosh M. Kulkarni for the Petitioners in all the Petitions.
Mr. N.C. Walimbe, AGP for the Respondent-State in WP/366/2020
and WP/368/2020.

Mr. A.B. Kadam, AGP for the Respondent -State in WP/407/2020.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th OCTOBER, 2020.

P.C.:-

Rule. Rule is made returnable forthwith. By consent of the parties, matter is heard finally.

2. Petitioners, herein are Co-operative societies registered under the Maharashtra Co-operative Societies Act, 1960. By order dated 28/12/2015 the Respondent No.1 confirmed the interim order dated 05/11/2015 appointing Liquidator. The said order was challenged before Respondent No.2 in an appeal under Section 104 of the Maharashtra Co-operative Societies Act, 1960, though it was wrongly styled as revision application under Section 154 of the Act. The said appeal was heard on merits and dismissed on 14/12/2016. Aggrieved by the said order the Petitioners filed a revision application before the concerned Minister of the State.

3. The records indicate that the Desk Officer has rejected the revision application on the ground of maintainability. Suffice it to say that the Desk Officer has no authority under the law to adjudicate upon any legal issue. The question relating to the maintainability of Revision is required to be decided by the authority under the MCS Act i.e. by the concerned Minister.

4. Mr. Walimbe, learned AGP fairly concedes that Desk Officer has no power to reject the revision application. He states that he has received instructions vide letter dated 26/10/2020 in WP/366 of 2020, that the revision application filed by the Petitioners will be heard on merits. Said letter is taken on record and marked 'X' for identification.

5. Considering the above statement and with consent, Writ Petitions are allowed in terms of prayer clause (b). Impugned orders are quashed and set aside. Matters are remitted to Respondent No.3 with directions to hear and decide the revision applications on merits. It is made clear that this Court has not gone into the merits of the matter.

6. Rule is made absolute in above terms.

7. This order will be digitally signed by the Private Secretary /Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)