

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition (Stamp) NO. 31343 OF 2019

The Shreepati Castle "A" Wing Co-op.
Housing Society Ltd.

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

....

Mr. Harish R. Pawar, Advocate for the Petitioner.

Ms. K.R. Kulkarni, AGP, for Respondents No.1 to 4 and 6.

Mr. Abhijeet Joshi a/w. Varsha Sawant, Advocate for Respondent No.5.

Mr. Sanjay Korale, Co-operative Officer, Grade-II, Divisional Joint Registrar, Mumbai, is present in Court.

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**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 02nd JANUARY, 2020

PC.

1. Heard learned Counsel for the parties.
2. By consent of both the parties, the matter is taken for final disposal at the stage of admission.
3. By this Writ Petition under Article 226 of the Constitution of India, the petitioner is challenging the order dated 29.11.2019 passed by respondent No.2 the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai in Appeal No.286/2019 by which the order dated 30.9.2019 under Section

10(1) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 passed by the District Deputy Registrar, Co-operative Societies (1), Mumbai and the Registration Certificate dated 7.10.2019 under Section 9(1) of the Maharashtra Co-operative Societies Act, 1960 issued by the Deputy Registrar, Co-operative Societies, D-Ward, Mumbai is stayed.

4. When this Court called upon the learned A.G.P. to take instructions within how much time their Officer will decide the Appeal No.286/2019 finally after hearing both sides, the learned A.G.P. after taking instructions from her Officer, makes a statement that the next date of hearing is 25.2.2020. She further submits that the concerned Officer will decide the appeal as early as possible but in any case on or before 31.3.2020.

5. Hence by consent of both the parties, the following order is passed :

- i. The Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai to decide the Appeal No.286/2019 filed by respondent No.5 under Section 152 of the Maharashtra Co-operative Societies Act, 1960, as early as possible after giving hearing to both sides, but, in any case on or before 31.3.2020.
- ii. Liberty is granted to the petitioner to file their affidavit-in-reply, if any, with copy to other side on or before 17.1.2020.

- iii. Rejoinder, if any, by the respondents to be filed on or before 24.2.2020.
- iv. Both the parties to remain present for hearing before the concerned Authority on 25.2.2020.
- v. Writ Petition stands disposed of in the aforesaid terms.
- vi. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)

Deshmane (PS)