

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 496 OF 2020

Anup Lalwani & Ors.

...Petitioners

vs.

Emgee Greens Co-op.Housing Society Ltd. & Ors.

...Respondents

Mr.Vishal Kanade i/b. Alok D. Mishra for Petitioners.

Mr.Brijesh Upadhyay i/b. Jash B. Vyas for Respondent No.1.

Mr.S.B. Gore, AGP for Respondent Nos.2 to 4.

CORAM : S.C. GUPTE, J.

DATE : 25 FEBRUARY 2020

P.C. :

Heard learned Counsel for the parties.

2 After the matter is heard at some length, it is agreed between learned Counsel that the petition may be disposed of in the following terms. It is, accordingly, ordered as follows :

(I) The Petitioners shall be within their rights to present their defence in the proposed inquiry either under Section 83 or under Section 88 of Maharashtra Co-operative Societies Act, 1960 or, alternatively, challenge the impugned order of Assistant Registrar of Co-operative Societies either in revision or in appeal, as the case may be. All rights and contentions of the parties on merits in that behalf are kept open.

(II) The Inquiry Officer, appointed under the impugned order, is directed to give two more weeks' time to the Petitioners with effect from 28 February 2020, which is the scheduled date of inquiry for submitting their written submissions. The Petitioners are at liberty to submit such written submissions without prejudice to the other remedies that they may have against the impugned order.

(III) The petition is disposed of accordingly.

(S.C. GUPTE, J.)