

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2252 OF 2021
ALONGWITH
WRIT PETITION NO.2254 OF 2021
ALONGWITH
WRIT PETITION NO.2260 OF 2021**

Bhairavnath Sahakari Dudh Utpadak Petitioner
Sanstha Maryadit.

Vs.

Joint Registrar Co-op. Societies (Dairy) Respondents
Maharashtra State, Mumbai & Ors.

Mr. Surel S. Shah i/by Mr. V.H. Narvekar for Petitioner in all Petitions.
Smt. M.S. Bane, AGP for Respondent Nos. 1 and 2 in WP No. 2252 and 2260 of 2021.
Smt. V.S. Nimbalkar, AGP for Respondent Nos. 1 and 2 in WP No. 2254 of 2021.
Mr. Aadesh Patil i/by M.B. Patil for Respondent No. 4 in all Petitions.

Coram : NITIN W. SAMBRE, J.

Date : 28th JUNE, 2021

P.C.:

1. In an proceedings for deemed Membership, the Divisional Joint Registrar rejected the prayer on the ground that it is not vested the power to condone the delay. The Petitioner, feeling aggrieved,

approached before the Joint Registrar Co-operative Societies (Milk) in exercise of powers under Section 154 of the Maharashtra Co-operative Societies Act. The said proceedings in the form of revisions are rejected vide impugned order dated 27th January, 2021. As such, these three petitions which are in different revisions with similar challenge. It is claimed that by common impugned order without recording any reasons, the impugned order is passed.

2. I have heard respective counsel for some time.
3. It could be gathered from the language employed in the impugned order that for drawing a conclusion of rejection of revision, the Respondent Joint Registrar has not recorded a single reason in support of the ultimate conclusion drawn i.e. dismissal of revision applications.
4. Though the learned AGP tried to justify the order impugned, however, in response to the Court query, she is unable to demonstrate any justifiable reasons for the order impugned.

5. As such, all these petitions for the reasons recorded hereinabove are partly allowed by quashing impugned order dated 27th January, 2021 passed by the Joint Registrar Co-operative Societies (Milk), Maharashtra State, Mumbai i.e. Revision No. 1, 2, 3 of 2021.

6. All these revisions, as such restored to the file of Joint Registrar, Co-operative Societies (Milk) before whom the parties hereto agree to appear on 19th July, 2021 with their respective written arguments.

7. The said authority shall deal with the revisions of the Petitioners on its own merits after having regard to the respective written submissions of the parties.

8. As such, petitions are partly allowed in above terms.

(NITIN W. SAMBRE, J.)