

Urmila Ingale

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

WRIT PETITION NO. 3632 OF 2019

Shri Ram Co-operative Housing Society Ltd.Petitioner
Vs.
The Deputy Registrar of Co-operative Housing
Societies and anr. Respondents

Mr.Amrut Joshi i/b R.V.J. Associates, for the Petitioner.
Mr.L.T.Satelkar, AGP for the Respondent – State.
Mr.Arjun Kadam a/w Mr.S.R.Nargolkar, for Respondent No.2.

CORAM : M. S.KARNIK, J.

DATE : 08th JULY, 2021

P.C. :

. Heard learned Counsel for the Petitioner. Learned Counsel for the Petitioner submits that despite the existence of an alternate remedy under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short 'the said Act'), it is still open for the Petitioner to approach this Court challenging the impugned order passed by the Deputy Registrar by way of this Petition. He relied upon the decision of the Hon'ble Supreme Court in the case of **Whirpool Co Corporation Vs. Registrar of Trade Marks, Mumbai and ors. (1998) 8 SCC 1.**

2. In my opinion, though existence of a statutory remedy is no bar for entertaining the Petition, in the present case, it is not as if the impugned order is passed without hearing the Petitioner or that the Deputy Registrar does not have jurisdiction under Section 22 of the said Act to entertain the application made for grant of deemed membership. What is being canvassed by learned Counsel for the Petitioner are the merits of the contentions which can well be dealt with by the revisional authority under Section 154 of said Act. Keeping all contentions open, liberty is granted to the Petitioner to avail of the alternate remedy of revision under Section 154 of the said Act. Considering that the present Petition was being pursued bonafide in this Court, the period spent in prosecuting the Petition shall enure to the benefit of the Petitioner while considering the question of condoning the delay in filing the revision. All contentions are kept open. I may not be understood to have expressed any opinion on merits of the matter. I am therefore not inclined to entertain the Petition in view of the existence of an alternate efficacious remedy.

3. The Writ Petition is disposed of.

(M.S.KARNIK, J.)