



3. Main grievance of the petitioner is that the Authority without hearing the petitioner, and also on the date of retirement of the concerned Officer, the impugned order was passed. Hence, by order dated 20.08.2021, this Court directed learned Advocate for respondent nos.1 and 3 to seek instructions from the concerned authority whether they are ready and willing to re-hear the petitioner and pass fresh order u/s 77-A of r/w 75(I) of the Maharashtra Cooperative Societies Act.

4. Today learned Counsel for respondent nos. 1 and 3 placed on record photocopy of letter dated 01.09.2021 from the authority stating that they have no objection to set aside order dated 31.3.2021 passed by them and remand the matter. Same is taken on record and marked 'X' for identification.

5. Leaned Advocate for respondent no.4 vehemently opposed the prayer made by the leaned Advocate for petitioner for setting aside order dated 31.03.2021 and to remand the matter for hearing. He submits that before passing the order on 31.03.2021, full opportunity was given to the petitioner, hence, there is no question of remanding the matter at all.

6. Heard both the sides at length. Considering the submission of learned Counsel for the petitioner, averments made in the petition and letter dated 01.09.2021 we are satisfied that the petitioner has made out the case for remanding the matter to the authority for hearing the matter on its own merits. Hence, following order is passed.

**:ORDER:**

- a. Order dated 31.3.2021 passed by Respondent no.1 Assistant Registrar I Cooperative Societies (East & West Suburbs) u/s 77-A and 73(I) of Maharashtra Cooperative Societies Act is set aside.
- b. Matter is remanded to respondent no.1 for re-hearing on its own merits.
- c. Liberty is granted to parties if they so desire to file their affidavits on or before 21.09.2021 with copy to other side.
- d. All parties are directed to remain present before Respondent no.1 on 27.09.2021 at 3.00 p.m. in his office for hearing and on that date, the authority to decide on

which date he want to hear the matter.

- e. Authority is directed to complete the hearing and pass the order according to law as early as possible.
- f. All contentions of both sides are kept open.
- g. Writ petition stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]