

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3294 OF 2014

SHRIRAMPUR AUDYOGIK WASAHAT SAHAKARI SOCIETY LIMITED,
NEWASA ROAD, SHRIRAMPUR

VERSUS

THE ASSISTANT REGISTRAR, CO-OPERATIVE SOCIETIES,
SHRIRAMPUR AND OTHERS

...

Advocate for Petitioner : Mr. Ashwin V. Hon

AGP for Respondents – State : Mr. S. W. Munde

Advocate for Respondent Nos. 2 to 9 : Mr. A. P. Bhandari

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15TH MARCH, 2022

PER COURT :

1. Order passed by the Assistant Registrar/respondent No.1 under Section 23(2) of the Maharashtra Cooperative Societies Act, 1960, thereby allowing the appeal filed by respondent Nos. 2 to 9, is impugned in the present petition.

2. The learned advocate for respondent Nos. 2 to 9 raised a preliminary objection about maintainability of the present petition by relying on the decision of the Hon'ble Supreme Court in *Everest Apartments Co-operative Housing Society Ltd., Bombay Vs. State of Maharashtra and Others*, reported in *AIR 1966 SC 1449*, wherein the Hon'ble Supreme Court held that though the order of Deputy Registrar

under Section 23(2) is final, it does not restrict the exercise of revisional power of the State Government.

3. In that view of the matter the writ petition is disposed off with liberty to the petitioner to challenge the impugned order before the State Government under Section 154 of the Maharashtra Cooperative Societies Act, 1960. The revisional authority shall consider the pendency of this petition while considering the delay condonation application of the petitioner.

4. Interim relief granted earlier by this Court shall continue for a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)