

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.7878 OF 2019
WITH
CIVIL APPLICATION NO. 8341 OF 2022**

CHAPLANAIK MASCHYA VYAVSAIK SAHAKARI SANSTHA
MARYADITDAHIPHAL BHONGANE THROUGH ITS CHAIRMAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. R. T. Nagargoje
AGP for Respondent Nos.1 to 6: Mr. S. W. Munde
Advocate for Respondent No.7: Mr. M. R. Sonawane
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th June, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by Commissioner of Fishery i.e. Additional Registrar Co-Operative Society Fishery, Mumbai dated 24-05-2019, thereby dismissing the delay condonation application filed by the petitioner in preferring revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960 on the ground that the petitioner has not made Deputy Registrar, Fishery Mumbai, as party respondent, though his order is challenged by the petitioner.

2. The learned Advocate for Respondent No.7 strongly opposes the prayer of the petitioner. The learned Assistant Government Pleader supports the impugned order.

3. Admittedly, the petitioner's statutory revision is rejected on erroneous ground by the respondent No.2 that the authority, whose order is challenged, is not made party in the revision. That cannot be a ground to reject the delay condonation application filed by the petitioner. The respondent No.2 ought to have given opportunity to the petitioner to add the Deputy Registrar Fishery, Mumbai as party respondent and should have considered the delay condonation application of the petitioner on its own merits. Since the impugned order is unsustainable in law and facts of the case, the same is hereby quashed and set aside. The matter is remanded back to the respondent No.2. The petitioner shall add Deputy Registrar Fishery, Mumbai as party respondent in the revision and delay condonation application filed before the respondent No.2. After the amendment is carried out by the petitioner, respondent No.2 shall hear the matter on merits and decide it expeditiously in accordance with law.

4. With these directions, Writ Petition is disposed of. In view of disposal of writ petition, civil application is also disposed of.

[NITIN B. SURYAWANSHI, J.]