

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

WRIT PETITION NO. 14388 OF 2019

Krusha Utpanna Bazar Samiti, Rahuri

...Petitioner

Versus

The Divisional Joint Registrar & Ors.

...Respondents

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Mr. A. D. Ostwal a/w Mr. M. L. Deoda, Advocate for the petitioner

Mr. K. B. Jadhavar, AGP for respondent nos. 1, 3 & 4

Ms A. N. Ansari, Advocate for respondent no. 2

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CORAM : BHARATI H. DANGRE, J.

DATE : JANUARY 10TH, 2022

PER COURT : -

1. Heard the learned Counsel for the Agricultural Produce Market Committee i.e. the petitioner, the learned Counsel for respondent no. 2 and learned AGP for respondent nos. 1, 3 and 4.

2. The petitioner is aggrieved by an order dated 16.04.2019 passed by the Divisional Joint Registrar, Cooperative Societies, Nashik in Appeal No. A-3 of 2019, by which the delay in instituting the appeal filed by the appellant, amounting to 90 days has been condoned by recording that sufficient cause has been shown which justified its condonation.

3. Counsel for the petitioner would vehemently submit that the authority has adopted a strange approach and on institution of the appeal, stay was granted on 04.02.2019, despite the proceedings being instituted by the employee before the Labour Court and at the relevant time it was pending. It is not disputed by the parties that the proceedings filed by the employee before the Labour Court are now withdrawn and there are no proceedings presently pending and, therefore, the only remedy which he is prosecuting is the present appeal.

4. The aforesaid aspect being not in dispute, the petitioner/APMC is aggrieved by an order condoning the delay in instituting the appeal and the argument advanced is, the stay was obtained by misleading the authority and without disclosing that proceedings are already instituted before the Labour Court. However, as on today there are no proceedings pending barring the appeal before the competent authority i.e. the Divisional Joint Registrar, which is the party in the present petition. Hence the order condoning the delay, is upheld, since the Authority, has exercised his discretion, by a reasoned order.

5. My attention was drawn to a detailed order passed by this Court on 28.11.2019 under which, by recording a *prima facie* finding

in favour of the petitioner, the impugned order dated 16.04.2019 came to be stayed and even the proceedings in the appeal pending before the respondent no. 1 are stayed.

6. Noting that period of more than two years has lapsed after passing of the order and the parties are now stagnated, I deem it expedient to direct the authority to decide the appeal on its own merits. Since the appeal is instituted in the year 2019, interest of both the parties would be better served if the respondent no. 1 is directed to dispose of the appeal expeditiously and in no case later than 31.03.2022. The Divisional Joint Registrar, Cooperative Societies, Nashik Division, Nashik is directed to conclude the proceedings in Appeal No. A-3/2019 within the stipulated period as indicated above. Needless to state that both the parties shall render their cooperation to the authority in concluding the appeal and will avoid unnecessary adjournments. With the aforesaid directions, the writ petition is disposed of.

7. The parties solemnly state that they will appear before the Divisional Joint Registrar i.e. respondent no. 1, on 17.01.2022 and bring this order to the notice of the authority.

[BHARATI H. DANGRE]
JUDGE