

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.820 OF 2022

Abhishek Enterprises through it's Partner

Pushpa Vishwanth Shete .. Petitioner

Versus

Joint Registrar Co-Op. Soc., Pune & Ors... Respondents

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Mr.Haridas Shukla with Mr.Onkar Mane for the Petitioner.

Mr.Surel S. Shah for the Respondent No.3-Bank.

Mr.A.P.Vanarse, AGP for the State/Respondent.

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CORAM: RAVINDRA V. GHUGE, J.

DATED : 27th JANUARY, 2022

P.C:-

1. The learned counsel for the petitioner submits, on instructions, that a Revision Petition under Section 154 of the Maharashtra Co-Operative Societies Act, 1960 (hereinafter, **"the 1960 Act"**) has been filed before the first respondent/Revisional Authority. Copy of the said Revision Petition is at page 18 and copy of the application for stay is at page 23 of the petition paper-book.

2. The learned Advocate representing respondent No.3-Bank submits that having investigated as to whether any such Revision Petition is pending before respondent No.1, they have been informed that there is no such Revision Petition pending.

3. Considering the above and as a statutory remedy is available under Section 154 read with sub-section 2A of the 1960 Act, this petition is disposed off with the following directions :-

(a) The petitioner and respondent No.3 shall appear before respondent No.1 on 10/02/2022 in Revision Petition No.120 of 2018, purportedly filed by the petitioner.

(b) Separate notice of hearing need not be issued by respondent No.1.

(c) Needless to state, in such a Revision Petition, the application under Section 154(2A), i.e. the application for stay, shall be considered by respondent No.1 on its merits and an appropriate order be passed on or before 28/02/2022, under Section 154(2A).

(d) In the event, it is noticed that no such Revision Petition has been filed by the petitioner bearing No.120 of 2018, the respondent/Appellate Authority would be at liberty to register an offence against the petitioner for having played a fraud on the Appellate Authority.

(RAVINDRA V. GHUGE, J.)