

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4205 OF 2022

Jayant Lele & Ors.

.. Petitioners

Versus

The Dy. Registrar Co-op, Societies & Ors.

.. Respondents

-
- Mr. Akash Singh i/by Mr. Ashok M. Saraogi for the Petitioners
 - Ms. Vaishali Nimbalkar, AGP for the State
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 13, 2022

P.C.:

1. Heard.

2. By this petition, the Petitioners, members of Adarsha Dahisar Gaurav Co-op Housing Society (for short "**society**") have made a grievance that the Administrator appointed on 17.09.2021 be directed to hold the election of the society in accordance with law.

3. One of the principal grievance raised by the Petitioners is that the issue regarding redevelopment of the society's land and building is pending before the sole Arbitrator and the society is required to be represented adequately in so far as the right and entitlement of its members is concerned. The Petitioners have also expressed their apprehension in the three adhoc committee members presently

representing the society in the said arbitration proceedings.

4. Admittedly the building of the society has already been demolished. By order dated 17.09.2021, Shri. Sunil Shinde was appointed an an Administrator to look after the affairs of the society and more particularly with respect to representing the society before the sole Arbitrator. The Petitioners have expressed difficulties in giving instructions to the Administrator on behalf of the society and therefore they have prayed for holding of election and having an elected managing committee to represent the society with respect to the members' substantive rights in the arbitration proceedings.

5. Ms. Vaishali Nimbalkar, learned AGP appearing on behalf of Respondent Nos. 1 and 6 has tendered letter dated 12.04.2022 issued by the Deputy Registrar, Co-operative Societies, R-North Division, Mumbai stating that election of the society shall be held and completed within a period of three months from today. The said letter is taken on record and marked “X” for identification.

6. Respondent Nos. 2 to 4 who are the adhoc committee members appointed earlier prior to the appointment of the Administrator are in possession of the record and papers of the society. They are directed to handover all society's record and papers to the Administrator i.e.

Respondent No. 5 within a period of one week from today to enable taking of further steps for conducting election.

7. With the above directions, the Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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AMBERKAR
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