

Sonali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3194 OF 2022

Vaibhav Wasudev Bhalavi & Ors

...Petitioners

Versus

State of Maharashtra & Ors

...Respondents

Mr Pradeep D Dalvi, for the Petitioners.

Mr PG Sawant, AGP, for the Respondent-State.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**

DATED: 6th April 2022

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1. Mr Dalvi states that service has been effected on the office of the Government Pleader as also on Ms Rekha Musale, learned Advocate who has entered a Caveat on behalf of the Respondent No.5, original Complainant.

2. Mr Dalvi points out that the original Disqualification Order under Section 76A of the Maharashtra Cooperative Societies Act and dated 28th September 2021 (pages 76 to 78, Exhibit "J") was stayed by an order passed by this Court on 22nd March 2022 in Writ Petition No.3282 of 2022.

3. Prayer clause (a) of the Petition at pages 53 and 54 read thus:

“(a) this Hon’ble Court be pleased to issue an appropriate writ, order and/or direction and direct the Respondent No.1 i.e. the Hon’ble Minister for Co-operation, Mantralaya, Mumbai, to decide the Application for Stay and/or main Revision Application (Exhibit “S” Colly, hereto) filed by the Petitioners, in a time bound programme, and adverse order if any passed by the Respondent No.1 therein, then the same shall not be given effect to for a period of 15 days from the date of communication of the said order to the Petitioners.”

4. It is pointed out that throughout there has been a stay on the main order passed against the Petitioners. In these circumstances, we believe it is appropriate to dispose of the Petition with an order in terms of prayer clause (a) extracted above. We do not issue a direction to the Hon’ble Minister for Cooperation but we make a request that the Petitioners’ application for stay along with the main Revision Application be disposed of as expeditiously as possible and, preferably, within sixteen weeks from today.

5. If the result of either the application of stay or Revision Application is against the Petitioners, it should not be acted on for a further period of three weeks from the date the order is communicated to the Advocate for the Petitioners.

6. In the meantime, there will also be an interim stay in terms of the prayer clause (c) which reads thus:

“(c) pending the hearing and final disposal of the Revision Application, pending on the file of the Hon’ble

Minister for Co-operation, Mantralaya, Mumbai, the Respondent No.1 hereto, the execution, operation and implementation of the impugned Order dated 9.3.2022 passed by the Divisional Joint Registrar for Co-operative Societies, Pune Division, Pune, passed in Appeal No.106 of 2021 and Order dated 14.10.2022 passed by the Respondent No.3 passed under Section 77A of the said Act, may kindly be stayed;”

7. The Writ Petition is disposed of in these terms.
8. There will be no order as to costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)