

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5033 OF 2021

M/s. Amit Enterprises & Anr. ... Petitioners
V/s.
The District Deputy Registrar & Anr. ... Respondents

Mr. V. H. Narvekar i/b. Mr. Aadesh M. Patil for Petitioners.
Mr. A. P. Vanarase, A.G.P. for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATED : 10th AUGUST, 2022

P.C.:

1. Heard.
2. The order impugned is dated 13/01/2021 passed by the competent authority i.e. District Deputy Registrar, Co-operative Society, Pune City, Pune whereby the petitioners were directed to produced the accounts of expenses towards maintenance, deposits accepted etc. from the tenement owners pursuant to the provisions of section 5 of the MOFA Act, 1963
3. The counsel for the petitioners has invited my attention to the order dated 11/02/2022. According to him, in compliance with the said order, the petitioners have filed affidavit on 17/02/2022 thereby producing on record the entire accounts in relation to maintenance and expenses of the respondent-society.

4. He would urge that the order impugned is passed in exercise of powers under section 5 of the MOFA Act without offering an appropriate opportunity of hearing.

5. It appears that the notices were tried to be served on the petitioners by way of alternate service i.e. paper publication in newspaper - Punyanagari on 24/12/2020. The service was effected.

6. The order impugned was passed on 13/01/2021 of which the petitioners claim to have received noticed on 24/02/2021 as is referred in paragraph no. 9 of the petition.

7. As such, the petitioners are granted an opportunity to report the compliance of the order impugned on 13/01/2021 and nothing illegal could be noticed in the said order.

8. The Writ Petition, as such, stands disposed of.

9. The petitioners are at liberty to produce the copy of the affidavit with documents dated 17/02/2022 place on the record of this Court alongwith any other additional documents, if so desired. Let the aforesaid compliance be reported before the competent authority within a period of two weeks from today.

10. If such documents are produced and authority is satisfied, petitioners are at liberty to seek directions to the respondent-

society from the competent authority for disposal of the criminal proceedings initiated against the petitioners consequent to the non-compliance of the order impugned.

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Date: 2022.08.11
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(NITIN W. SAMBRE, J.)