

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6883 OF 2022

Aurum Avenue CHS Ltd.

...Petitioner.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. S. S. Panchpol, Mr. Ratan L. Adne and Mr. Mayur Jadhav i/b Ankit Dhindale
for the Petitioner.

Ms. R. M. Shinde, AGP for the Respondent-State.

Mr. S. S. Kanetkar for Respondent Nos. 5 to 8.

CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.

Date : **August 20, 2022.**

P. C. :

1. Learned counsel appearing on behalf of the Petitioner orally prayed for an amendment in the petition and submitted that in prayer clause (c), a direction is sought for and inadvertently reference is made to Respondent no.2 instead of Respondent no.1 – the State of Maharashtra, through Minister for the Department of Co-operation and Textiles, before whom the appeal is preferred and is pending decision. Accordingly, the oral prayer is allowed. Amendment to be carried out during the course of the day.

2. Considering the documents placed on record as well as the factual matrix in the petition and prayer clause (c), we deem it appropriate to dispose of the writ petition with certain directions and in our opinion, these directions would not cause any prejudice to the respondents.

3. The Petitioner is a registered co-operative housing society. The proceedings were initiated at the instance of private parties, namely, Respondent nos.5 to 9 herein, against Petitioner No.1 before the Divisional Joint Registrar, Co-operative societies, Pune Division, Pune under section 21A of the Maharashtra Co-operative Societies Act, 1960. The Divisional Joint Registrar allowed the application vide its order dated 19th April 2022. Being aggrieved by the said order, the Petitioner-society immediately filed an appeal before Respondent No. 1. The appeal was registered on 6th June 2022. Copy of the appeal memo is placed on record at page no. 37 of petition.

4. It seems that due to peculiar circumstances, the appeal was not heard by Respondent No.1 for quite some time. However, now as there is change in the scenario and now the appeal can be heard by Respondent No. 1, we dispose of the present writ petition by directing Respondent No.1 to hear the said appeal of the Petitioner-society and pass appropriate orders by giving an opportunity of hearing to the parties. The appeal be decided on its

own merits and as expeditiously as possible and not later than twelve weeks from today. Needless to state that if the Petitioners are desirous of filing application(s) for interim relief(s), they may submit such application(s) to Respondent No.1 in the pending appeal and if such application(s) are filed, the same shall be decided expeditiously. With these directions, the writ petition is disposed of.

[Kishore C. Sant, J.]

[Prasanna B. Varale, J.]