

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9586 OF 2022

The H.A.L. Employee Co-op. Credit
Society Ltd.

...Petitioner.

Versus

Mr. M. D. Shinde and Others.

..Respondents.

Mr. Sahilesh Chavan for the Petitioner.

Mr. V. S. Gokhale, B panel counsel for the Respondent-State.

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

Date : **August 20, 2022.**

P. C. :

1. Heard learned counsel appearing on behalf of the Petitioner. Learned AGP appears on behalf of Respondent No.20 – the District Deputy Registrar, Co-operative Societies and Respondent No.21 - the Divisional Joint Registrar, Nashik Division, Nahsik. It may not be necessary for us to refer to the facts in details. Suffice it to state that though by prayer clause (a), challenge is raised to the order passed by the competent officer dated 24th January 2022, admittedly the Petitioner-society preferred an appeal challenging the very order before Respondent No.21 - the Divisional Joint Registrar, Co-operative Societies, Nahsik Division, Nashik and prayer clause

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(b) is couched as under :

“b) This Hon’ble Court may be pleased to direct the Respondent no. 21, i.e., Divisional Co-operative Registrar, Co-operative Societies, Nashik Division, Nashik to decide the said appeal filed on behalf of the Petitioner society challenging the order dated 24/01/2022 passed by the Respondent no. 1 – Inquiry Officer as expeditiously as possible;”

2. Perusal of the documents placed on record shows that the competent authority passed the order under rule 72(6) and rule 70 of the Maharashtra Co-operative Societies Rules, 1961 and in the said order though the competent authority has observed that society is subjected to loss to the tune of Rs.17 crore and interest, further absolved the office bearers, officers and directors of society and further directed for the recovery of expenses for enquiry and the honorarium to the tune of Rs.1,50,000/-. Being aggrieved by the said order, the Petitioner - society immediately preferred an appeal on 17th February 2022 before Respondent No.21 along with an application for grant of stay on the same day, i.e., on 17th February 2022. Copies of the appeal memo and application are placed on record at page no.174 to the petition. The Petitioner was expecting orders on the appeal and application. But as there was no positive progress in the matter, the petitioner left with no

choice, has approached this Court by filing the present writ petition.

3. Considering this factual matrix of the matter, we deem it appropriate to *dispose of the writ petition with direction* to Respondent No. 21 – the Divisional Joint Registrar, Nashik Division, Nashik to decide the appeal preferred by the Petitioner on 17th February 2022, as expeditiously as possible and not later than 12 weeks from today. Respondent No.21 is further directed to decide the Petitioner's application for grant of stay as expeditiously as possible and not later than four weeks from today. We further direct that till the application for grant of stay is decided by Respondent no.21, the parties shall maintain status quo as on today. Needless to state that as soon an order is passed by Respondent No. 21 on the interim application preferred by the Petitioner for grant of stay, the order passed by this Court today directing the parties to maintain status quo shall stand vacated.

[Kishore C. Sant, J.]

[Prasanna B. Varale, J.]