

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

WRIT PETITION NO.10831 OF 2022

Pluto S.R.A.Co-operative Housing
Society Ltd. and Ors.

..... Petitioners

Vs.

The Dy. Co-op. Societies Western Suburban
and Ors.

....Respondents

.....

Mr. Amit Gharte with Mr. Amar Parsekar for the Petitioners.
Mrs. M.S.Srivastava, A.G.P. for the State.

CORAM: SANDEEP K. SHINDE, J.

DATED : SEPTEMBER 12, 2022

P.C.

1. Deputy Registrar, Co-operative Societies/Respondent No.1 in exercise of the powers under Section 77A(1a) and (b1) of the Maharashtra Co-operative Societies Act, 1960 appointed Mr. Yogesh Jadhav, Authorised Officer to administer the affairs of the society for a period of six months. Correctness of that order was questioned before the Divisional Joint Registrar in Appeal. Along with Appeal and application was moved seeking stay to the execution of the order dated 6th July, 2022 passed by the Respondent No.1. Learned counsel appearing for the Petitioners, on instructions, submits that though Petitioner/Society was heard on 6th July, 2022 on the stay application, till date, Divisional Joint

Registrar, Co-operative Societies has not decided the application. It appears in the meanwhile, Tehsildar issued a notice dated 6th July, 2022 purportedly under Section 80(2) of the Maharashtra Co-operatives Societies Act, 1960. In these circumstances, the Petitioners would urge that order issued by the Tehsildar may be stayed till Divisional Joint Registrar decides stay application, moved by them in appeal. The request of the Petitioner is reasonable and, therefore, Government Pleader was directed to take instructions from the Divisional Joint Registrar as to when he is likely to decide Stay Application.

2. Learned Assistant Government Pleader, on instructions, submits that the Divisional Joint Registrar shall decide the application within two weeks from today, i.e., on or before 26th September, 2022. In view of the statement made by the learned Assistant Government Pleader, notice dated 6th September, 2022 (Exhibit "P" to the Petition) issued under Section 80 of the Maharashtra Co-operative Societies Act, 1960 is stayed till 27th September, 2022.

3. All to act on an authenticated copy of this order.

4. The learned Assistant Government Pleader shall communicate this order to the Respondent No.4, who in turn shall inform to the Respondent Nos.5 and 6.

5. Petition is disposed of in aforesaid terms.

(SANDEEP K. SHINDE J.)