

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

WRIT PETITION NO. 9445 OF 2021

Vaishali Complex Co-operative Housing
Society Ltd.

...Petitioner

V/s.

Dnyanoba Nivrutti Shevkari and Ors.

...Respondents

Mr. Sumant Deshpande, for the Petitioner.

Mr. Kuldeep U. Nikam, for the Respondent No.1.

Ms. V. S. Nimbalkar, AGP for the Respondent Nos.2, 3 and 5
/State.

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. The challenge, in this petition, at the instance of the Petitioner – Cooperative Society, is to the order dated 18 August 2021, passed by the Hon'ble Minister for Marketing and Cooperation by which the learned Minister has refused to grant interim relief / stay.

2. It appears that the Petitioner – Society was under liquidation. By order dated 14 October 2019, the learned Assistant Registrar of Cooperative Societies, had directed reconstruction of the society under Section 19 of the Maharashtra

Cooperative Societies Act, 1960 ('the said Act', for short) and Rule 18 framed thereunder. That order was challenged by the Respondent No.1 before the Divisional Joint Registrar of Cooperative Societies in an appeal under Section 152 of the said Act. The learned Divisional Joint Registrar allowed the Appeal No.36/2021 by order dated 28 April 2021 and the order of reconstruction passed by the learned Assistant Registrar was set aside.

3. Feeling aggrieved, the Petitioner challenged the said order before the Hon'ble Minister in a revision application under Section 154 of the said Act, which is registered as RVA/2021/297. The Petitioner filed application for stay which the Hon'ble Minister has rejected by order dated 18 August 2021.

4. I have heard the learned counsel for the parties. Perused record.

5. It appears that by virtue of the order passed by the Divisional Joint Registrar which is subject matter of challenge before the Hon'ble Minister, the order for reconstruction of the Petitioner Cooperative Society, has been set aside. It is difficult to see as to how the interim relief in such a case is competent. That apart, the impugned order is passed more than a year back.

6. The learned counsel for the Petitioner states that the revision has not been heard on account of the pendency of the present petition.

7. In that view of the matter, the petition is disposed of. The Hon'ble Minister shall decide the revision application as expeditiously as possible and preferably within a period of three months from the receipt hereof. The parties to cooperate for the time bound disposal of the revision application. Rival contentions of the parties, on merits, are left open. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.