

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

WRIT PETITION NO.15745 OF 2022

Bhavya Supreme Co-operative
Housing Society Ltd. and Anr. ...Petitioners

Versus

New Look Constructions Pvt. Ltd.
and Ors. ...Respondents

...

Mr. Mayur Khandeparkar, Mr. Nikhil Wable, Ms Juhi Valia and Mr.
Soumitra i/b. M/s. Jaykar and Partners for the Petitioners.

Mr. Prashant P. Kulkarni for Respondent No.1.

Mr. C.D. Mali, AGP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd DECEMBER, 2022.

P. C. :-

1. The Petitioners herein has challenged order dated 24/11/2022 whereby the learned Divisional Joint Registrar, Co-operative Societies has stayed the Registration Certificate dated 08/07/2022 issued by the Respondent-Assistant Registrar, Co-op. Societies, SRA, Mumbai under Section 9(1) of the Maharashtra Co-operative Societies Act, 1960.

2. Respondent No.1 is the Developer, who had constructed the building known as Bhavya Supreme. Petitioner No.1 is the society formed by the flat purchasers. An application for registration of the

Petitioner No.1-Society was made in a duly prescribed format. Upon considering all the objections, Certificate of Registration came to be issued, which has been challenged by Respondent No.1-Developer in Appeal No.218 of 2022. Learned Divisional Joint Registrar, Co-op. Societies, has stayed the Registration Certificate on the ground that it is necessary to verify whether the Assistant Registrar, Co-op. Societies, has followed the due process before passing of the impugned order.

3. It is to be noted that upon completion of construction of the building, the flat purchasers took a resolution to form a Society and accordingly applied for registration of the Society. A perusal of the order dated 08/07/2022 prima facie reveals that registration of Society was ordered after hearing the parties and upon considering the relevant material on record. It is stated that the question of maintainability of appeal and the issue of locus of the Respondent in filing the appeal was raised before the Divisional Joint Registrar, but the same has not been considered.

4. Prima facie Respondent No.1-Builder/ Developer has no locus to challenge the Registration Certificate and/or right to file the appeal. Hence, the impugned order is stayed pending hearing of the

appeal. The Divisional Joint Registrar to decide the appeal expeditiously and in any event within a period of four weeks from the date of receipt of copy of the order, after hearing all the concerned parties.

5. The Petition stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)