

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 737 of 2022

with

Writ Petition No. 738 of 2022

- (1) Janata Central Wholesale and
Retail Cooperative Consumer Stores Ltd.
through Manager Devidas Narayan
Saphale, r/o Pandit Nehru Marg,
Opp. State Bank of India, Dist. Akola -
444001
- (2) Wardha District Cooperative
Wholesale and Retail Consumer
Society through Manager Mohan
R. Gourshettiwar, Near Old RTO Office,
Pratap Nagar, Dist. Wardha.
- (3) Anant Madhukarrao Bhuibhar, aged
about 60 years, Occ : Practitioner,
R/o Old Radha Kisan Plot,
Dist. Akola-444001
- (4) Vijay Shamrao Mule,
aged about 70 years,
Occ: Retired, R/o Near Old RTO
Office, Pratap Nagar, Dist. Wardha.

... Petitioners

... Versus ...

- (1) Divisional Joint Registrar,
Cooperative Societies,
Nagpur Division, Nagpur.
- (2) District Deputy Registrar,
Cooperative Societies, Nagpur,
Dist. Nagpur, Plot No. 8,
Sahakar Sadan, Hindustan Colony,
Amravati Road, Nagpur.

- (3) Vishal Grahak Sahakari Sanstha
Maryadit, Nagpur, Regn. No. 101,
Gandhi Putla, Ganeshpeth Road,
Mahal, Nagpur, Tq. and Dist. Nagpur,
through its Authorized Officer.
- (4) Nagpur District Central Cooperative
Consumers Wholesale and Retail Stores
Limited, Nagpur, Regn. No. 146, Sahakar
Mandir, Tilak Road, Mahal, Nagpur,
Tq. And Dist. Nagpur, through its
Authorized Officer
- (5) Shri. Pilaji Narayan Dhapodkar,
aged adult, Occ: Nil, R/o Gandhi Putla,
Ganeshpeth Road, Mahal, Nagpur,
Tq. And Dist. Nagpur.
- (6) Shri. Vijay Ramaji Kapse,
aged adult, Occ: Nil, R/o Sahakar Mandir,
Tilak Road, Mahal, Nagpur,
Tq. And Dist. Nagpur.
- (7) Assistant Registrar, Cooperative Societies,
Nagpur.
- ... Respondents**

Mr. A. M. Ghare with Mr. P. V. Ghare, Advocates for the petitioners
Mr. S. M. Ukey, Addl. G. P for the respondents 1, 2 and 7
Mr. M. V. Samarth, Senior Advocate with Mr. S. K. Tambde, Advocate for
respondents 3 and 4
Mr. M. V. Samarth, Senior Advocate with Mr. C. M. Samarth, Advocate
for respondent 5 in W.P. 738/2022

CORAM : ROHIT B. DEO, J.

DATED : 28-3-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. The petitions are
heard finally with consent of the learned counsel appearing for the
parties.

2. These petitions are directed against two orders rendered by respondent 1 in Appeals 53/2021 and 54/2021 and in Appeals 14/2020 and 15/2020.

3. The appeals are preferred by respondent 5 and respondent 6 challenging the liquidation and deregistration order/s.

4. The petitioners are members of the Maharashtra State Cooperative Consumers Federation Limited (Federation) and are seeking intervention in the proceedings initiated by respondents 5 and 6 on the premise that if the registration is restored, the said societies shall be entitled to vote in the election to the Federation.

5. The intervention applications are rejected by the authority.

6. The other order which challenged is the order condoning delay.

7. While the learned Senior Counsel, Mr. Mukesh Samarth and learned Additional Government Pleader, Mr. Ukey would seriously oppose the petitions and would invite my attention to the decision of Hon'ble Supreme Court in *Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and others* [2013(4) Mh.L.J. 561] to buttress their submission, learned counsel for the petitioners, Mr. Ghare would submit

that in any event, the matter is fixed for final orders and all that the petitioners are seeking presently is permission to place on record written submissions. In response to a Court query, learned counsel Mr. Ghare candidly states that other than permission to place on record the written submissions, the petitioners shall not ask or expect any other role in the proceedings and in particular, no oral hearing etc. shall be insisted.

8. While the petitions do question the condonation of delay, the said question will have to be left open for the revisional or writ remedy, if available to the petitioners, after the final order is passed. I have not considered the said submission on merits nor have I considered the broader question of the contours of the power to permit intervention.

9. I am inclined to grant a limited opportunity to the petitioners restricted to placing on record the written submissions before the authority on 4-4-2022 and the authority shall pass final order within the next week.

10. The parties shall appear before the authority on 4-4-2022 and produce on record copy of this order.

11. Leaving the objections raised by the learned Senior Counsel, Mr. Samarth and learned Additional Government Pleader, Mr. Ukey on the right to intervene open, these petitions are disposed of in the aforestated terms.

JUDGE

wasnik