

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

WRIT PETITION 3009 OF 2020

Vasantrao Naik Macchimar Sahakari
Sanstha Maryadit Gahuli Heti through
its President, District Yavatmal

....**PETITIONER**

VERSUS

1. State of Maharashtra through its
Commissioner of Fisheries,
Taraporewala, Department of Fisheries,
Netaji Subhash Marg, Churney Road,
Mumbai.
2. State of Maharashtra through its
Deputy Registrar, Cooperative
Societies (Fisheries), Mumbai
3. State of Maharashtra, through
Assistant Registrar, Cooperative
Societies (Marketing, Dairy and Fisheries),
Yavatmal, District Yavatmal
4. State of Maharashtra, through its
Assistant Commissioner of Fisheries,
Yavatmal, District Yavatmal
5. Mandev Matsyavyavasaya Sahakari
Sanstha, Hiwari, through its President,
Hiwari, Tahsil District Yavatmal

.... **RESPONDENTS**

Mr. A.M. Ghare, counsel for the petitioner.
Mr. N.R. Rode, AGP for respondents 1 to 4/State.
Mr. S.K. Tambde, counsel for respondent 5.

CORAM : ROHIT B. DEO, J.
DATED : 19th APRIL, 2022

ORAL JUDGMENT :

The challenge in the petition is to the order dated 19.11.2019, whereby the Deputy Registrar, Co-operative Societies (Fisheries), Mumbai, has condoned the delay of 8 years and 11 months in preferring appeal under section 152 of the Maharashtra Co-operative Societies Act, 1960.

2. One of the submissions canvased is that the petitioner was not noticed.

3. In the affidavit, which the State filed, the assertion is that the petitioner did not appear, though served.

4. In view of the said assertion, this Court thought it appropriate to seek the assistance of the deponent who is present in the Court.

5. It has now transpired that there is no acknowledgment of service available on record although according to the officer concerned, there is an entry in the outward register of having issued the notice.

6. I am not inclined to delve deeper.

7. It would be appropriate if the order impugned is quashed and the matter remitted for fresh consideration.
8. The parties shall appear before the respondent 2 on 9.5.2022.
9. No separate notice shall be issued by the respondent 2.
10. The respondent 2 shall decide the issue of condonation of delay within two weeks from the date of appearance of the parties.
11. Petition is disposed of.

JUDGE

belkhede