

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

152 WRIT PETITION NO.10794 OF 2019

**SAHAKAR MITRA SHRI CHANDRAKANT HARI BADE SIR
URBAN COOP CREDIT SOCIETY LTD VARANGAON
THROUGH LIQUIDATOR
VERSUS
THE ASSISTANT REGISTRAR CO OPERATIVE SOCIETIES
RAVER AND OTHERS**

...
Advocate for the petitioner : Mr.V.P.Patil
AGP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.09.2023

P.C. :

1] Heard the learned counsel for the petitioner.
Respondent nos.2 to 4 though served, has not appeared.

2] The petitioner Bank had extended cash credit loan facility to respondent no.2 to the tune of Rs.50,00,000/-. The respondent no.2 failed to repay the loan. Thereafter, the petitioner Bank submitted an application on 05.09.2008 to the respondent no.1 under Section 101 of the Maharashtra Co-operative Societies Act for issuance of recovery certificate, however, the same was

rejected on 24.06.2015. Being aggrieved by the said order, the petitioner Bank approached the Divisional Joint Registrar Co-operative Societies, Nashik by filing Revision Application No. R-174 of 2015 for condonation of delay. The Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik rejected the said delay condonation application on 05.05.2016.

3] The petitioner submits that the order impugned before the Revisional Authority was passed on 24.06.2015. The same was communicated to the petitioner on 06.07.2015 and the revision application was filed on 14.10.2015. In terms of Section 154 (3) of the Maharashtra Co-operative Societies Act, no application for revision shall be entertained, if it's made after two months of the date of communication of the decision or order. The Revisional Authority has the power to entertain the application made after such period, if the applicant satisfies it that the applicant had sufficient cause for not making the revision application within such period.

4] There was a delay of 49 days in filing the Revision Application. The reason stated in the application for condonation of delay is that the petitioner Bank is under liquidation and that the Commissioner for Cooperation and Registrar of Cooperative Societies, Maharashtra State, pune has appointed liquidator Board on the petitioner bank consisting of 4 Officers who are working at different designation in cooperation Department, therefore, it was not possible to them to come together for taking decision in the society. In view of the same, delay is caused in filing the Revision Application. By the impugned order, the Revisional Authority dismissed the revision application on the ground of delay.

5] The learned counsel for the petitioner submits that the revisional authority has committed an error in calculating the delay and the said authority has considered the delay of 210 days. According to the learned counsel, actually there is delay of 49 days in filing the revision application. In view of the same and also for the reasons

stated in the application for condonation of delay in filing the revision petition, the impugned order passed by the revisional authority is quashed and set aside.

6] The impugned judgment and order dated 05.05.2016 passed by the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik in Revision Application No. R-174 of 2015 is quashed and set aside. The Revision Application is restored back to the file of the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik and the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik to decide the said Revision Application in accordance with law. Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC