

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

19 WRIT PETITION NO.7284 OF 2023

Krushni Utpanna Bazar Samiti Rahuri
Through its Authorized Representative
& Assistant Secretary Mr. Sandip Arjun Pawale

VERSUS

Mohammad Iqbal Nisarhusen Shaikh and Ors.

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Advocate for Petitioner : Mr.Ostwal Abhaykumar Dilip and
Mr.Salunke Pavan Mahendra

Advocate for Respondent No. 1 : Mr. Prashant R. Nangare
(Caveatar)

AGP for Respondents/State : Mr.K.B.Jadhavar.

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CORAM : KISHORE C. SANT, J.

DATE : 05.07.2023.

PER COURT :

1. Heard. The petition is directed against the order passed by respondent No. 2 i.e. the Director, Marking, Maharashtra State, Pune for condonation of delay of 90 days which is caused in filing the appeal by respondent No. 1. The respondent came to be dismissed from the services on 19.09.2018. The respondent No. 1, therefore, filed a complaint to the said authorities, however, the office of respondent No. 2

firstly directed him to file a complaint application under 41(a) to the Joint Director of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 on 13.10.2018. Thereafter, he was also directed to file an appeal before the Divisional Joint Registrar, Co-Operative Societies, Division Nashik. He filed an appeal and the same was rejected by order dated 21.03.2022 as not maintainable. Against the said order, the respondent preferred an appeal along with delay condonation application before respondent No. 2. Respondent No. 2 by its order dated 21.03.2023 allowed the application by relying upon the order passed by the Hon'ble Apex Court in MCA No. 21 of 2022, in a Su-Moto Writ Petition No. 3 of 2020 for taking cognizance for extending of limitation.

2. The petitioner Marketing Committee has approached this Court mainly on the ground that the order passed by the Hon'ble Apex Court is not applicable in this case. The observation that the period of limitation was extended till 28.02.2022, whereas, the order that was impugned in the appeal itself was passed after 21.03.2022, therefore, the order passed by the Hon'ble Apex Court is not applicable.

3. Considering the arguments of the learned Advocate for the petitioner, this Court finds that since the delay is condoned, it would not be proper to interfere with the said case at this stage. If the petitioner has any grievance by the impugned order, he can certainly take this ground in an appeal or in another proceeding taken against the final order if passed against respondent No. 2. By keeping the said point open, this Court finds that the petition can be disposed off. Hence the following order :

ORDER

- a) The petition stands disposed off.
- b) The petitioner is at liberty to raise a ground of delay at appropriate stage, if so advised.
- c) The authorities are expected to decide the appeal as early as possible and preferably within one year from the date of this order.

**(KISHORE C. SANT)
JUDGE**

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