

Chaitali Ekke

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

WRIT PETITION NO. 353 OF 2023

Basera Coop. Housing Society Ltd. ...Petitioner
V/s.
Ashok Wankhede and Ors. ...Respondents

Mr. Mandar Soman a/w Mr. Hardik Joshi, Advocate for Petitioner.

Mr. Hiten Venegonkar, Advocate for Respondent.

....

**CORAM : K. R. SHRIRAM &
RAJESH S PATIL, JJ.**

DATED : 12th JANUARY 2023

P.C.:

1 There are three orders which are impugned in this Petition, viz., orders dated 01.12.2022, 15.12.2022 and 31.12.2022 passed by the Assistant Registrar Cooperative Societies, Respondent No.22. By order dated 31.12.2022 the accounts of Petitioner Society has been frozen and it is Petitioner's case that the cheques that Petitioner has issued to various authorities have been dishonoured due to the action by Respondent No.22.

2 Mr. Venegaonkar appearing for Respondent Nos.22, 23 and 24 in fairness and as an Officer of the Court states that before passing

the drastic order on 31.12.2022 Respondent No.22 ought to have issued show cause notice to Petitioner and also should have heard Petitioner. To that extent, Mr. Venegaonkar states that Respondent No.22 has not followed the principle of natural justice.

3 In view thereof, we hereby quash and set aside the order dated 31.12.2022.

4 Respondent No.22 is directed to provide a copy of the complaint and all other documents to Petitioner in the proceedings and also issue notice calling upon Petitioner to show cause as to why no action should be taken in accordance with law giving details of the proposed action. This will be provided by 20.01.2023.

5 By 31.01.2023 Petitioner shall file a reply to the show cause notice. After giving personal hearing, which shall be on 10.02.2023 at 11.00 a.m., Respondent No.22 shall pass a reasoned order dealing with all submissions of the rival parties. Order shall be passed on or before 28.02.2023.

6 Mr. Soman states that Petitioner should be permitted to issue cheques for payments which are to be made statutorily or salaries or the utility bills. No other drawings will be made by the office bearers of Petitioner Society. Details of this also will be provided to Respondent No.22 during the personal hearing and if Respondent No.22 finds any illegality in these payments made, the office bearers of Petitioner shall

indemnify the society for these payments made. Statement accepted as an undertaking to this court.

7 Petition disposed. No order as to costs. All to act on authenticated copy of this order.

8 We clarify that we have not made any observations on the merits of the matter.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)