

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

WRIT PETITION NO. 3608 OF 2022

Kushabhau Sadashiv Gavhane ..Petitioner
Vs.
The State of Maharashtra & Ors. ..Respondents

Mr. Manoj Patil with Mr. Advait Shukla for Petitioner.
Ms. V. S. Nimbalkar, AGP for State/Respondent Nos.1 and 2.
Mr. S.S. Kanetkar for Respondent No.3.
Mr. Sarang Aradhye for Respondent No.5.

**CORAM : G.S. KULKARNI, J.
DATE : FEBRUARY 08, 2023**

P.C.:

1. Not on board. Taken on board on a praecipe being moved on behalf of the petitioner.
2. This petition is filed challenging an order dated 09 November, 2020 passed by the Hon'ble Minister, Co-operation, whereby a revision application filed by respondent no.5 Shri Nandkumar Vithoba Lande under the provisions of Section 154 of the Maharashtra Co-operative Societies Act, came to be allowed, whereby the order dated 11 November, 2019 passed by the Additional Registrar (Administration) Co-operative

Societies, Pune was set aside. The contention as urged on behalf of the petitioner is that although the petitioner was arrayed as respondent no.3 in the proceedings of the revision as filed before the Hon'ble Minister, the said order came to be passed ex-parte to him and/or without any opportunity of hearing being accorded to the petitioner.

3. Respondent no.5 who is represented by Mr. Aradhye on instruction states that for such reasons respondent No.5 does not have any objection for the impugned order to set aside by consent and for a remand of the matter back to the Hon'ble Minister for a fresh adjudication. Mr. Kanetkar who represents respondent no.3-bank, would also have no objection for such course of objection. It appears that there was intervener who is respondent no.4 in the present proceedings namely one Rahul Malhari Gavhane who was permitted to intervene and who was heard. However, as contended by Mr. Patil, no prejudice would be caused to him as he was not party to the proceedings filed by respondent no.5. Mr. Patil's submission is that in any case, such intervener can also be heard.

4. In the aforesaid circumstances and as there is consensus between the parties, the impugned order dated 09 November, 2020 is set aside with a further direction that the Hon'ble Minister shall take up the revision

application filed by respondent no.5 (Revision Application No.RVA-2019/Pra.Kra.620/15-S), and decide the same after hearing all the parties. All contentions of the parties on the adjudication by the Hon'ble Minister are expressly kept open.

5. The Hon'ble Minister shall make an endeavor to dispose of the said revision application as expeditiously as possible and within a period of three months from today.

6. At the first instance, the parties shall appear before the Hon'ble Minister on 14 February, 2023.

7. All contentions of the parties are expressly kept open, including that of the intervener.

[G.S. KULKARNI, J.]