



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1676 OF 2022**

Amarjit Singh Gupta	...	Petitioner
versus		
State Minister of Co-operation and Ors.	...	Respondents

Mr. Amarjit Singh Gupta, Petitioner present in person.
Mr. C.D.Mali, AGP for Respondent No.1.
Mr. Yogesh Patil, for Respondent No.4.

CORAM: N.J.JAMADAR, J.

DATE : 12 JULY 2023

P.C.

1. Heard the Petitioner in person and the learned Counsel for the Respondents.
2. The Petitioner is aggrieved by the order dated 30 December 2021 passed by the Minister, Co-operation in Revision Application No.420 of 2020 whereby the order passed by the Joint Registrar condoning the delay of 722 days in preferring the Revision against the order passed by the Deputy Registrar admitting the Petitioner as member of the Respondent Society, came to be rejected.
3. I have perused the application preferred by the Respondent Society before the Joint Registrar for condonation of delay and the reasons which weighed with the Joint Registrar in condoning the delay. The Joint Registrar has simply observed that the delay, in his view, did not appear to be deliberate or intentional and

occurred as the society took time to collect the relevant documents and other particulars.

4. It is true an application for condonation of delay deserves liberal consideration and the courts and tribunals ordinarily lean in favour of condonation of delay so as to advance the cause of substantive justice. Yet the period of delay and the cause attributed for the same are required to be carefully considered and the discretion exercised in a judicious manner. In the case at hand, the delay is of 722 days. The Joint Registrar ought to have considered the sufficiency of the cause on the touchstone of the justifiability of the reasons ascribed for the delay. It does not seem that the Joint Registrar gave adequate consideration to the said aspect of the matter. Therefore, it would be expedient to remit the application for condonation of delay for afresh decision to the Joint Registrar, Co-operative Societies after providing an effective opportunity of hearing to both the parties.

5. Hence, the Writ Petition stands disposed with the following order :

ORDER

(i) The order dated 24 March 2020 passed by the Joint Registrar, Co-op. Societies, condoning the delay of 722 days in preferring the Revision Application as well as the impugned order dated 30 December 2021 passed by the Minister, Co-operation, affirming the said order of condonation of delay, stand quashed and set aside.

(ii) Application for condonation of delay is restored to file of the Joint Registrar, Co-operative Societies.

(iii) The Joint Registrar, Co-operative Societies, shall decide the application for condonation of delay afresh after providing an effective opportunity of hearing to both the parties.

(iv) The Joint Registrar, Co-operative Societies shall decide the said application as expeditiously as possible and preferably within a period of four months from the date scheduled for the appearance of the parties.

(v) The parties shall appear before the Joint Registrar, Co-operative Societies on 1 August 2023.

(vi) The parties are at liberty to file additional affidavits, if any.

(vii) Till the decision of the Joint Registrar, status quo be maintained.

(viii) The Writ Petition stands disposed.

(N.J.JAMADAR, J.)