

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1840 OF 2023**

The Dinanath Co-operative Housing Society Ltd. ...Petitioner

V/s.

ITUS A – Wing ...Respondents
Dinanath Co-operative
Housing Society Ltd. & Ors.

Mr. Atul Damle, Senior Counsel i/b Prashant P. Kulkarni, for the Petitioner.

Mr. Kishor Patil i/b Pratik B. Rahade, for Respondent No.1.

Mrs. V. S. Nimbalkar, AGP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : NOVEMBER 03, 2023**

P.C.:

1. Heard Mr. Damle, learned senior counsel appearing for the Petitioner, Mr. Kishor Patil, learned counsel appearing for Respondent No.1 and Mrs. Nimbalkar, learned AGP for the Respondent-State.

2. By the present Writ Petition, the challenge is to the legality and validity of the order dated 10th January 2023, passed by the Hon'ble Minister of Cooperation, by which delay in filing the Revision No.367 of 2022 is condoned. By the very order, the Revision is also allowed.

3. This Court heard the matter on an earlier occasion. After

arguing the matter for some time, Mr. Damle, learned senior counsel and Mr. Patil, learned counsel appearing for the Respondent No.1 took instructions and agreed to file Minutes of Order. Accordingly, Minutes of Order is tendered. The same is taken on record and marked "X" for identification. The said Minutes of Order reads as under :

"MINUTES OF ORDER

1. Without assigning any reasons the Order passed by the State Government dated 10.01.2023 in Revision Application No.367 of 2022 is set aside as Revision Application filed by the Petitioner being Revision Application No.265/2022 is still kept pending.
2. The State Government is directed to decide both Revision Applications No.265/2022 and 367/2022 on merits expeditiously and within a period of 2 months from the date of this Order.
3. The Petitioner has no objection for condoning the delay in filing Revision Application No.367/2022 filed by the Respondent No.1 Society.
4. Till both the Revision Applications are decided on merits the Petitioner will not interfere with the day to day affairs of the Respondent No.1 Society such as :
 - (a) The Petitioner will not touch the funds generated by the Respondent-1 society.
 - (b) All the outgoings qua Respondent-1 society building like payment of salary to staff of Respondent-1 society, payment of electricity bills of Respondent-1 society, tax payments and other

statutory outgoings will be done by the Committee members of Respondent-1 Society.

- (c) The Petitioner society will maintain status-quo with regard to the affairs of Respondent-1 society.

The above arrangement is without prejudice to the rights of the parties and that the Revisional Authority shall not get influenced by the present arrangement of Orders passed by this Hon'ble Court.

5. The Respondent No.1 Society will manage day to day affairs of the Society till the final decision of both the Revision Application. Respondent No.1 society will not take major policy decision till then.
6. The State Government will make endeavour to decide the Revision Application as expeditiously as possible and within two months from today. The Petitioner and the Respondent No.1 will appear before the State Government on 07/11/2023.
7. The State Government to decide both the Revisions on its own merits and without getting influenced by the Order passed by this Court. This court has not dealt with any issue on merits.
8. No Order as to Cost."

4. The Hon'ble Minister of Cooperation is requested to dispose of the Revision Application No.367 of 2022 and Revision Application No.265 of 2022 expeditiously, and in any event, on or before 29th February 2024.

5. It is clarified that this Court has not considered the merits of the case and all the contentions on merits are expressly kept

open.

6. Accordingly, the Writ Petition is disposed of in terms of the Minutes of Order and in above terms, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]