

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4658 OF 2023
IN
WRIT PETITION NO. 6021 OF 2023

Shree Ganesh CHS Ltd Thr.

Secretary, Mrs. Manisha U. Gharat

.....Applicant

V/s.

Uttam Baban Chikane and Ors.

....Respondents

Dr. Mr. Uday P. Warunjikar, Advocate for the applicant.

Mr. P.A. Pol, Advocate for respondents no.1 and 2.

Mr. Pravin G. Sawant, AGP for respondent no.3.

CORAM : SANDEEP V. MARNE, J.

(Vacation Court)

DATED : 23rd May, 2023.

P.C. :

1. This Court has passed the following order on 3rd May, 2023 :-

“1. The Petitioner society has challenged the order dated 13.4.2023 passed by the Joint Registrar, Co-operative Societies, CIDCO, Navi Mumbai. Learned AGP pointed out that the alternate, proper and efficacious remedy would be to file an appeal under Section 152 of the Maharashtra Co-operative Societies Act, 1960 (for short, ‘MCS Act’).

2. Dr. Warunjikar appearing for the society states, on instructions, that the Petitioner will exhaust that remedy. The statement is recorded. He requests that in the meantime the status quo, as of today, may be continued.

3. Shri Pol appearing for the Respondent Nos.1 & 2 questions the locus of the Petitioner society to challenge that order.

4. Since the Petitioner society intends to file appeal under Section 152 of the MCS Act, even the question of locus can be argued in that proceedings. Both the sides can put forth their case on merits, including the maintainability, locus etc. in the proposed proceedings. All the questions raised by both the sides are specifically left open.

5. However, for a period of two weeks from today, the *status quo* as of today shall be maintained. All further orders can be obtained by either of the parties in the proposed proceedings to be filed under Section 152 of the MCS Act. Considering the urgency that the bank account of the society is freezed, the Hon’ble Minister is requested to take up this matter urgently and pass necessary urgent orders.

6. The Petition is disposed of accordingly.”

2. Dr. Mr. Warunjikar, the learned Counsel appearing for the applicant would submit that in pursuance of the liberty

granted by this Court, the applicants have filed Appeal before the Hon'ble Minister on 9th May, 2023. Mr. Pol, learned Counsel appearing for respondents no.1 and 2 places on record a communication dated 22nd May, 2023 by which hearing of the Appeal is convened on 24th May, 2023. Dr. Warunjikar, would request continuation of status-quo granted by this Court by order dated 3rd May, 2023 till disposal of the Appeal. In the above circumstances, the Hon'ble Minister is requested to hear and decide the Appeal by 5th June, 2023. Till then, the order of status-quo granted by this Court on 3rd May, 2023 shall continue to operate.

3. Interim Application is disposed of.

(SANDEEP V. MARNE, J.)

**NEETA
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