

Mr. Ajay S. Patil with Mr. Sachin Kadam, for Petitioner.
Mrs V.S.Nimbalkar, AGP for State.
Mr. Sanjay P. Shinde, for Respondent Nos.4 to 17.

DATE: 19 JUNE 2023

1. The challenge in this Petition is to an order dated 20 June 2022 passed by the Minister, Co-operation in Appeal bearing No.APP 2019/Pra.Kra 311/15-S, whereby the appeal preferred by the Petitioner against an order under Section 148(3) of the Maharashtra Co-op. Societies Act, 1960 granting sanction for prosecution for the offence under under Section 146(p) of the Act, came to be dismissed.

2. By an order dated 24 May 2019, the Divisional Joint Registrar, Co-op. Societies, recorded a finding that the Petitioner, the then Manager of Chandwad Taluka Sahakari Kharedi Vikri Sangh, had tampered with, and indulged in alteration and falsification of, the record of the society and, thus, granted sanction for prosecution against the Petitioner.

3. Being aggrieved, the Petitioner preferred an appeal before the Minister.

By the impugned order, the appeal came to be dismissed.

4. Mr. Ajay Patil, the learned Counsel for the Petitioner would submit that there is an inordinate delay in delivering the judgment after the hearing was concluded. Attention of the Court was invited to the observations in the judgment that the arguments were heard on 5 August 2021 and, eventually, the impugned order came to be passed on 20 June 2022. Such an inordinate delay has caused serious prejudice to the Petitioner, urged the learned Counsel for the Petitioner. Thus, the impugned order deserves to be set aside on this count alone. Reliance was placed on a Division Bench judgment of this Court in the case of **Devang Rasiklal Vora V/s. Union of India and Ors.**¹ wherein it was held that the delay in delivering the judgment by itself is sufficient to set aside the order assailed therein.

5. Mr. Shinde, the learned Counsel for Respondent Nos.4 to 17 submits that he has already filed a Caveat No.3286 of 2022. The learned Counsel opposed the submissions on behalf of the Petitioner.

6. Evidently, delay in delivery of the judgment is inordinate. I am, therefore, persuaded to allow the Petition and remand the appeal to the State Government for afresh decision. Hence, the following order :

ORDER

(i) The Petition stands allowed.

¹ 2004(2) Mh.L.J. 208

- (ii) The impugned order dated 20 June 2022 stands quashed and set aside.
- (iii) The Appeal stands restored to the file of the State Government.
- (iv) The State Government shall decide the Appeal 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 State Government on 10 July 2023.
- (vi) The Counsels agree that no separate notice be issued to the parties.
- (vii) The interim protection which, is in operation, shall continue to operate till the decision of the Appeal by the State Government.

(N.J.JAMADAR, J.)