

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18393 OF 2022

IN

WRIT PETITION NO. 646 OF 2019

WITH

WRIT PETITION NO. 1541 OF 2018

Arvind Ramchandra Waghmare

.. Applicant

IN THE MATTER BETWEEN

Dr. Ambedkar CHS Ltd.

.. Petitioner

Versus

The Deputy Registrar Co-op Societies and Ors.

.. Respondents

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- Mr. Rohan Mahadik i/by Juris Partner, Advocate for Applicant in IA No.18393 of 2022 and Respondent No.4 in OS.WP. No.1541 of 2018.
- Mr. Hemant Haryan, AGP for Respondent Nos.1 and 3 in OS.WP. No.1541 of 2018.
- Mrs. V.S. Nimbalkar, AGP for the State in IA and WP No.646 of 2019.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2023.

P.C.:

- 1.** Heard Mr. Mahadik, learned Advocate for the Applicant.
- 2.** The present Interim Application has been filed by one Mr. Arvind Ramchandra Waghmare claiming to be resident of Dr. Ambedkar Co-operative Housing Society, Khar (W) for seeking a direction from this Court to grant six months extension to conduct the

elections of the Managing Committee / Petitioner Society.

3. Mr. Mahadik would submit that the Applicant was Respondent No.2 in Writ Petition No.646 of 2019 which came to be disposed of by order dated 23.02.2021.

4. I have perused the order dated 23.02.2021 which is annexed to the present Interim Application. By the said order the Board of Administrators comprising of 3 members was appointed and it was directed that the election process should start afresh by following the due process of law. The Returning Officer was also appointed.

5. The Writ Petitions were disposed of by the following operative order which reads thus:-

“

ORDER

(1) *The elections to the Managing Committee should be held within a period of six months from today.*

(2) *The parties have consented to the names of following members to comprise as board of administrators during this period. The names are as under :-*

(i) *Mr. Suresh Khedkar*

(ii) *Mr. Mangesh Ramchandra Lokhande*

(iii) *Mr. Hansraj Ramdas Kasare*

(3) *The election process should start afresh from the stage of preparation of provisional voters list.*

(4) *Needless to mention that the board of administrators will not be influenced by the voters list which was earlier in dispute and a fresh provisional voters list should be prepared on the basis of applicable Rules, Regulations and Bye Laws of the Society.*

(5) *Shri Rahul Patil who was earlier appointed as Returning Officer to continue as Returning Officer.”*

6. Today, Mr. Arvind Ramchandra Waghmare claiming to be a member of Society has filed the present Interim Application seeking direction to conduct the election expeditiously. I asked Mr. Mahadik to show me the authority given to the Applicant to file such Interim Application especially in view of the order passed on 23.02.2021. He could not show any authority.

7. The present Interim Application has been filed on 08.07.2022 which is almost 11 months after the demise of the period 6 months from the order dated 23.02.2021. That apart, the present Interim Application is completely devoid of any authority granted to the Applicant by the Board of Administrators appointed by this Court to conduct the affairs. Infact, the Applicant, though a member of the Society, does not even reside in the said Society and resides elsewhere. The Application is filed without authority and hence the Applicant is directed to pay costs of Rs.5,000/- to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today. Interim Application is dismissed.

8. List the matter for compliance on **28th February, 2023**. To be placed under the caption “First on Board”.

[MILIND N. JADHAV, J.]