

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 11241 OF 2023

Waterfall Co-operative Housing
Society Limited.

... Petitioner.

V/s.

State of Maharashtra and another.

... Respondents.

Mr.Vineet Naik, Senior Advocate with Mr.Mayur Khandeparkar,
Mr.Shadab Jan i/b. Viraj Bansod for the Petitioner.
Mr.N.K.Rajpurohit, AGP for the State.

SANJAY
KASHINATH
NANOSKAR

CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 7 September 2023.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner is making a grievance before us of short time given to the Petitioner to submit its reply to the notice. According to the Petitioner, as per law, the Petitioner is required to be given fifteen days time from the service of notice under section 78(1) of the Maharashtra Co-operative Societies Act, 1960, however, the said period is being unduly curtailed.

3. The learned Senior Advocate submits that the Petitioner is called upon to appear before the Authority tomorrow i.e. 8 September 2023 and apprehends that final order will be passed without there being any reply. The learned AGP, on instructions,

states that the Petitioner would be given time till 15 September 2023 to file their reply. The learned Senior Advocate for the Petitioner submits that considering the fact that the Petitioner had to pursue this litigation and the ensuing holidays of Ganpati Festival, some longer time be granted. This request being reasonable, the Petitioner be given time till 20 September 2023 to submit its reply.

4. The Petitioner will appear before the Respondent-Authority tomorrow i.e. 8 September 2023 and upon Petitioner's doing so, the Petitioner will be given time till 20 September 2023 to file its reply. Thereafter to avoid any further complications, the Respondent- Authority will set out a specific time-table listing the dates of hearing and any other dates for the procedural formalities.

5. We make it clear that except for adjusting this procedural aspect, we have not looked into the matter and the same will be considered by the Respondent- Authority on its own merits.

6. Writ petition is disposed of accordingly.

7. Considering the shortage of time, the learned AGP will inform the concerned Authority without waiting for the order.

8. All the concerned to act on authenticated copy of this order.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)