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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3501 OF 2021**

Shri Samadhan Uttreshwar Mane (Chairman ... Petitioner
Bhima Chandrabhag Matsya Vyavsayik
Sahakari Sanstha Maryadit)

vs.

The Commissioner Cum Registrar (Fishery) ... Respondents
State of Maharashtra Matsalaya and Ors

Mr. Mateen Shaikh a/w. Ms. Muskan Shaikh, for Petitioner.

Mr. Vishwasrao S. Deokar, for Respondent No.4.

Mr. P.G. Sawant, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 1st MARCH, 2024

P.C. :-

1. This petition was substantially heard by me. However, learned counsel for the petitioner submits that in view of the legal position as laid down in the decision of this Court in case of *Wadala Shri Ram Industrial Premises Co-operative Society Limited Vs Kotecha & Company and Ors*¹, learned counsel for respondent no.4, seeks leave to withdraw the Appeal No. 11 of 2020, filed before the Deputy Registrar, Cooperative Societies(Fisheries), Maharashtra State,

¹ 2001 (4) Mh. L.J.

Mumbai with liberty to challenge order dated 28th January 2016 passed by the Assistant Registrar, Cooperative Societies (Milk), Solapur, by filing Dispute before the Cooperative Court.

2. In view of the leave prayed on behalf of respondent no.4, no further adjudication is required in the petition. Hence, following order is passed.

I) Respondent no.4 is granted leave to withdraw the Appeal No. 11 of 2020, filed before the Deputy Registrar, Cooperative Societies(Fisheries), Maharashtra State, Mumbai with liberty to file an appropriate proceedings as permissible in law for challenging order dated 28th January 2016, passed by the Assistant Registrar, Cooperative Societies(Milk), Solapur.

II) If appropriate proceedings are initiated within a period of six weeks from today, respondent no.6 will be entitled to seek benefit of the period of pendency of Appeal No. 11 of 2020 and this petition, for seeking condonation of delay in filing appropriate proceedings.

III) In view of the aforesaid order dated 19th October 2020, passed by the Deputy Registrar, Cooperative

Societies(Fisheries), Maharashtra State, in Appeal No. 11 of 2020, is quashed and set aside. Consequently, the order dated 31st December 2020, passed by the Commissioner of Fisheries, Maharashtra State, Mumbai in Revision Application No. 10 of 2020 is quashed and set aside as being infructuous.

IV) All contentions of parties on merits are kept open.

3. Writ petition is disposed of in the above terms.

(GAURI GODSE, J.)