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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 106 OF 2023
IN
WRIT PETITION NO. 9373 OF 2021**

Smt. Jaya Nigam and Another ... Petitioner

Vs.

The State of Maharashtra ... Respondent
through Minister of Co-operation
Society and Others

Mr. Akshay R. Kapadia for the Petitioner.

Mr. Sandeep D. Shinde for Respondent Nos. 4 and 5.

Mr. A. P. Vanrase, AGP for Respondent Nos. 1 to 3.

CORAM : GAURI GODSE, J.

DATE : 24th JANUARY 2024

P.C.

1. This Contempt Petition is filed alleging breach of the order passed by this court on 14th June 2022 and corrected as per order dated 21st June 2022 and 5th July 2022. The effect of the interim orders is that the impugned orders in the petition are stayed.

2. The order impugned in the Writ Petition is order dated 5th October 2021 passed by the learned Minister dismissing the Revision Application filed by the petitioner. The Revision Application was filed by the petitioner for challenging order dated 22nd January 2021 passed by the Divisional Joint Registrar, Co-operative Societies. By the said order the appeal filed by the Society and the Revision Application filed by the Secretary of the Society was partly allowed and the order impugned dated 15th February 2020 was quashed and set aside. By the said order the cases were remanded back to the Deputy District Registrar, Co-operative Societies for fresh consideration.

3. By the order dated 15th February 2020 the Deputy District Registrar, Co-operative Societies passed an order under section 79(3) of the Maharashtra Co-operative Societies Act, 1960 directing authorised officer to take action for not submitting Form – Y by the Secretary and Treasurer of the Society.

4. It is submitted on behalf of the petitioner that the effect of the order of stay granted by this court in Writ Petition would be that the order dated 15th February 2020 would revive and therefore any action not taken pursuant to the said order would amount to contempt. By

the interim order of stay granted by this court the execution and operation of the impugned order is stayed.

5. I have perused the order dated 22nd January 2021 as well as 5th October 2021. In my view the order of stay would apply so far as the remand order for fresh consideration passed by order dated 22nd January 2021 and that the order dated 15th February 2020 would not revive in view of the order of stay. The allegation by the petitioner in the contempt petition is not with respect to the stay to the remand order.

6. Hence, in my view the contempt petition is misconceived and is without any merits. Hence, Contempt Petition is dismissed.

7. I am told that the Writ Petition is still pending for admission. List the Writ Petition for admission on 23rd February 2024.

[GAURI GODSE, J.]