

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10828 OF 2024.

Jai Bhavani Nagari Sahkari Patsanstha Ltd Throu. ...Petitioner.
Chairman Vikas Vasantrao Ambekar

Versus

State Of Maharashtra Throu. The Chief Sec. And Ors ...Respondents.

Mr. Vishwanath Talkute for the Petitioner.

Mr. Kedar Dighe, Addl GP a/w Mr. P. V. Nelson Rajan AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 3, 2024.

P. C. :

1. Heard.
2. By this Petition, the challenge is to the order of Joint Registrar dismissing the Revision Application of the Petitioner on the grounds that the circular of 25th October 2017, was set aside by this Court on 8th April 2019, and as the order of test audit was passed before setting aside of the circular, the order of this Court will not have retrospective effect and that the test audit had already been conducted.
3. Learned Counsel appearing for the Petitioner submits that the circular was set aside on the ground that the Commissioner did not have the power to issue the circular and therefore any order passed

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under the said circular is rendered non est. He would further submit that though the test audit has been conducted based on the report of the test audit further action under Section 83 of the MCS Act has commenced.

4. Issue notice to the Respondents returnable on **28th January, 2025**. In addition to Court notice, advocate for the Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date. Learned AGP waives notice for Respondent Nos. 1 to 7.

5. Ad-interim relied in terms of prayer clause-(b) which reads thus:

"b). Pending the hearing and final disposal of the present Writ Petition, further action on the basis of Order dated 29-11-2018 passed by Respondent No. 6-District Deputy Registrar Cooperative Societies, Satara, as well as Judgment and order dated 09-10-2019 passed by the Respondent No. 5-Divisional Joint Registrar Cooperative Societies Kolhapur, in Revision Application No. 241 of 2019, as well as the order of the Respondent No. 7-Assistant Registrar dated 04-11-2019 be stayed;"

[Sharmila U. Deshmukh, J.]