

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1859 OF 2024

Sabari Basera CHS Limited

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH
INTERIM APPLICATION (L) NO.4019 OF 2024
IN
WRIT PETITION NO.1859 OF 2024

Anil Vishnu Anturkar &
Aparna Anil Anturkar

...Applicants

Versus

Sabari Basera CHS Limited & Ors.

...Respondents

Ms. Dhawani Bakaria i/by M/s Purnanand & Co. for Petitioner.
Ms. Manisha Gawade, AGP for Respondent Nos. 1,2,3, and 30.
Mr. Sarosh Bharucha a/w Mr. Karan Aiya i/by Solicis Lex for
Respondent No. 29.

CORAM : MADHAV J. JAMDAR, J.

DATED : 26th June 2024

P. C.

1. In this Writ Petition, the challenge is to the legality and validity of the Order dated 28th August 2023 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai.

2. A learned Single Judge (Coram : Milind N. Jadhav, J.) by Order dated 3rd October 2023 granted *ad-interim* relief in terms of prayer clause (d), which reads as under :

“(d) “that pending the hearing and final disposal of the present Writ Petition, this Hon’ble Court be pleased to stay the implementation and operation of the Impugned Order dated 28thAugust 2023.”

3. At the outset, Mr. Sarosh Bharucha, learned Counsel for Respondent No. 29 states that there is an alternate remedy of Appeal under Section 152 of the *Maharashtra Co-operative Societies Act, 1960*. He states that in fact such an Appeal has already been preferred before the Hon’ble Minister of Co-operation.

4. Ms. Dhawani Bakaria, learned Counsel for the Petitioner states that although the Appeal bearing No.601 of 2023 is already filed, as per information of the Petitioner, the Appeal will not be heard for a substantial period due to ensuing Assembly Elections. On instructions, she states that however, if the hearing of the Appeal is expedited and the implementation of the impugned Order is stayed till disposal of the Appeal and for some more time thereafter, if the Order passed by the Hon’ble Minister, Co-operation is adverse to the Petitioner then she has instructions to withdraw the Writ Petition.

5. Learned AGP, on instructions, states that the disposal of the Appeal No. 601 of 2023 will take a considerable time for many reasons

including ensuing Assembly Session and Assembly Elections.

6. In view of all these difficulties expressed by the learned AGP, the learned Counsel for the Petitioner and the Respondent No. 29 state that the Hon'ble Minister of Co-operation be directed to dispose of the said Appeal by 31st January 2025.

7. Accordingly, the Writ Petition is disposed of by consent of the Petitioner and the Respondent No. 29, who are the contesting parties, in following terms:

(a) The Hon'ble Minister of Co-operation, State of Maharashtra is requested to decide by 31st January 2025 the Appeal No. 601 of 2023 preferred under Section 152 of the *Maharashtra Co-operative Societies Act, 1960*, challenging the legality and validity of the Order dated 28th August 2023 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai in Application No.24 of 2020.

(b) Till disposal of said Appeal No. 601 of 2023 by the Hon'ble Minister, Co-operation, Mumbai Division, Mumbai, *ad interim* Order of protection granted by the learned Single Judge by Order dated 3rd October 2023 shall remain in operation and thereafter till 10th March 2025, if an adverse Order is passed against the Petitioner by the Hon'ble Minister Co-operation.

8. It is clarified that this Court has not considered the merits and all contentions on merits of all the parties are expressly kept open.
9. Accordingly, the Writ Petition is allowed to be withdrawn, subject to above.
10. In view of disposal of the Writ Petition, nothing survives in the Interim Application and the same also stands disposed of.

[MADHAV J. JAMDAR, J.]