



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4211/2024

Amravati District Central Co-operative Bank Ltd. & Another
Vs.
Hon'ble Minister, Co-operation, Marketing and Textile Department and
others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.L. Khapre, Senior Advocate assisted by Mr. P.A. Kadu, Advocate for Petitioners

Mr. Prachi Joshi, AGP for Respondent Nos.1 and 2

Mr. H.D. Dangre, Adv. With Mr. N.A. Gawande, Mr. R.B. Dhore, Advocate for Respondent Nos. 3 to 9, 11 to 13 & 15

Mr. R.B. Dhore, Advocate for Respondent Nos.4 & 5

CORAM: N.R. BORKAR, J.

DATED : 16th JULY, 2024

This petition takes exception to the order dated 27.6.2024, passed by the respondent No.1 – State in Appeal No. 678/2023.

2. In the aforesaid appeal the action of respondent No.2 – Divisional Joint Registrar, Co-operative Societies, Amravati approving / registering amended bye-laws of the petitioners' Society in terms of Section 13 of the Maharashtra Co-operative Societies Act was under challenge. By the order impugned, the respondent No.1 has remanded the matter back to respondent No.2.

3. I have heard the learned senior counsel for the petitioners, learned counsel for the contesting respondent Nos. 3 to 15 and learned Assistant Government Pleader for the respondent Nos.1 and 2.

4. The learned senior counsel for the petitioners submits that perusal of the impugned order would reveal that application for stay was argued and not the appeal. It is submitted that respondent No.1 has, however, decided the appeal itself. It is submitted that the order impugned, therefore, cannot be allowed to stand and the matter needs to be remanded back to respondent No.1 for deciding it afresh.

5. On the other hand, the learned counsel for the contesting respondents submits that no reasons were recorded by respondent No.2 while approving / registering the amended bye-laws. It is submitted that respondent No.1 thus rightly remanded the matter back to respondent No.2. It is submitted that no interference is thus called for in the impugned order.

6. I have perused the impugned order. It appears that stay application was argued and not the appeal. Respondent No.1 has however decided the appeal itself. The order impugned, therefore, cannot be allowed to stand. Hence, the following

order :

- I. The impugned order is set aside;
- II. The parties shall appear before the respondent No.1 on 24th July, 2024.
- III. The respondent No.1 shall decide the appeal afresh within a period of six weeks from the date of appearance of the parties.
- IV. The petition is disposed of in the aforesaid terms. No costs.

(N.R. BORKAR, J.)