



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5589 OF 2024

Ankush Pandurang Adhe

....Petitioner

VERSUS

Chairman Secretary Matshyagandha
Mastya Vyavasayik Sahakari Sanstha
Maryadit & others

.....Respondents

Mr. R. B. Ade, Advocate for the Petitioner.

Mr. S. G. Sangle, Addl. G. P. for the State.

Mr. M. R. Sonawane, Advocate for Respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2025.

PER COURT :

1. This Petition takes exception to the order dated 24.11.2023 passed by the Commissioner, Fisheries, Maharashtra State, Mumbai in Application for condonation of delay bearing No. 05/2022.

2. The facts appearing from record indicate that on 03.09.2015, Petitioner/society filed proposal for registration of the society as a fisheries society. Respondent No. 1 raised objection thereto which came to be rejected by the Assistant Registrar of Co-operative Societies, Jalna, on 03.11.2015. Appeal preferred by

Respondent No. 1 being Appeal No. 44/2015 before Respondent No. 3 also came to be rejected. No objection certificate for registration of the Petitioner/society was issued on 30.04.2016 and accordingly, registration was granted in favour of Petitioner on 01.09.2016. In the meantime, Appeal filed by Respondent No. 1 came to be allowed and orders dated 22.04.2016 and 30.04.2016 came to be set aside with direction to remand the proposal before Respondent Nos. 2 and 3 for granting hearing to Respondent No. 1. It is the case of the Petitioner that said order was ineffective in view of the fact that registration certificate was already issued in favour of Petitioner by the Assistant Registrar. Respondent No. 1 again filed another Appeal for condonation of delay challenging the permission for opening of bank account and registration of the society. This Appeal bearing No. 23/2017 came to be allowed on 15.07.2017. At this stage, cause of action arose for Petitioner to take exception to the said order. Since there was delay caused in preferring the revision, application for condonation of delay was filed. Since this application is rejected by the Commissioner, Fisheries, present Petition.

3. Learned counsel for Petitioner submits that the real cause of action for the Petitioner to take exception to the order

passed by the appellate authority arose only when registration certificate issued in favour of Petitioner was cancelled. It is his submission that delay caused in preferring the revision application has been satisfactorily explained however, the same was not considered by the Commissioner, Fisheries. It is his submission that the right of the Petitioner of registration has been affected by the impugned order and therefore, the application for condonation of delay ought to have been allowed.

4. Learned Addl. GP as well as learned counsel for Respondent opposed the Petition. Learned Addl. GP has filed affidavit opposing the Petition and relying upon the judgments of this Court as well as judgment of the Supreme Court in case of Laxman Divekar vs. The State of Maharashtra, **1998(1) Mah. L.J. 745** and Damodar Pillai vs. South Indian Bank Limited, **2005(5) All MR 961 (SC)**.

5. There cannot be any dispute made with regard to the fact that the party who seeks condonation of delay must substantiate the reason for condonation thereof. Here in this case, perusal of the application indicates that the Petitioner has specifically stated about

cause of action being accrued for filing revision only after cancellation of the registration. Since the substantial right of the Petitioner is affected by the order impugned, the Commissioner ought to have condoned delay in filing of the revision.

6. In view of the above, the impugned order is set aside. It would be in the interest of the parties that revision is decided on its own merit rather than its dismissal on technicalities. In view of the above, application stands allowed. The Commissioner to decide the revision in accordance with law preferably within a period of three months.

(R. M. JOSHI)
Judge

dyb