

*Shabnoor*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.1886 OF 2025**

Vijay Lakhi & Ors.

... Petitioners

**V/s.**

District Deputy Registrar,  
Co-operative Housing Societies, H  
West Ward & Ors.

... Respondents

Mr. Girish S. Godbole, Senior Advocate a/w Mr. Piyush Raheja a/w Samihan Vinchurkar a/w Mr. Jimish Shah, for petitioners.

Mrs. Snehal S. Jadhav, AGP for State – respondent No. 1.

Mr. A. Y. Sakhare, Senior Advocate a/w Mr. Prashant P. Kulkarni a/w Ms. Rachna Mamnani a/w Mr. Subhash Yadav, for respondent Nos.3 to 8.

**CORAM : AMIT BORKAR, J.**

**DATED : FEBRUARY 13, 2025**

**P.C.:**

1. This petition challenges the order passed under Section 77A of the Maharashtra Co-operative Societies Act, 1960 (hereinafter “MCS Act”). The petitioners submit that the impugned order contravenes mandatory statutory provisions. Notwithstanding that the order has been issued by an Authority vested with the requisite power under the MCS Act, it cannot be deemed ex-facie as lacking jurisdiction. Consequently, the petitioners are entitled to raise all pertinent contentions on appeal against the order under Section

77A of the MCS Act. In the event that such appeal is filed, it is further directed that the Authority shall endeavor to conclude the appeal proceedings expeditiously, preferably within a period of four (4) weeks from the date of receipt of this order, after affording an opportunity of hearing to all contesting parties.

2. Accordingly, all contentions raised by the parties are hereby preserved and remain open for further elaboration and argument before the Appellate Authority.

3. At this stage, the learned Senior Advocate for the petitioners has stated that a copy of the appeal, together with the requisite notice, shall be duly served upon the contesting respondents.

4. With respect to the exclusion of the period expended in pursuing the present petition, this Court directs that the duration during which the petitioner bona fide prosecuted this proceeding before the Court shall be excluded from the computation of the limitation period for filing an appeal.

5. The writ petition stands disposed of in the foregoing terms. No order as to costs.

**(AMIT BORKAR, J.)**