

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6822 OF 2025**

Ramesh Niwas Co-operative Housing Society Ltd. ... Petitioner

vs.

Divisional Joint Registrar, Co-operative Societies,
Mumbai and others ... Respondents

Mr. Aurup Dasgupta a/w. Ms. Sonam Ghiya and Ms. Prapti Bhadra, i/b.
Jhangiani, Narula & Associates for petitioner.

Mr. A. C. Bhadang, AGP for respondent Nos.1 and 2-State.

Ms. Aarti Suvarna for respondent Nos. 3 to 5.

Mr. Suketu Jhaveri (respondent No.4) in person.

CORAM : MANISH PITALE, J.

DATE : 10th JUNE, 2025

P.C. :

. Heard learned counsel for the petitioner.

2. The learned counsel for the petitioner informs this Court that the respondents were privately served and that an affidavit of service is ready for filing. The same be placed on record within one week from today.

3. Ms. Suvarna, learned counsel appears for respondent Nos.3 to 5 and she seeks time to file reply affidavit.

4. The learned counsel for the petitioner is pressing for ad-interim stay of the impugned order. He submits that the impugned order reverses a well-reasoned order passed by respondent No.2, whereby a prayer made on behalf of respondent Nos.3 to 5 for being admitted as members of the petitioner-society, had been rejected. It is

submitted that the reasons recorded by respondent No.1 while passing the impugned order reversing the order of respondent No.2, are not sustainable.

5. This Court has perused the impugned order and *prima facie* substance is found in the contentions raised on behalf of the petitioner. It appears that respondent No.1 could not have reversed the well-reasoned order passed by respondent No.2, without taking into consideration the amounts payable by respondent Nos.3 to 5 towards sales tax dues, MVAT dues, etc. and the fact that a registered gift deed on which respondent Nos.3 to 5 sought to rely, was executed about 6 years prior to moving such an application for transfer of membership.

6. In view of the above, issue notice, returnable on 25.07.2025.

7. Mr. Bhadang, learned AGP waives notice on behalf of respondent Nos.1 and 2-State.

8. Ms. Suvarna, learned counsel waives notice on behalf of respondent Nos.3 to 5.

9. Reply affidavits on behalf of respondents be filed within four weeks from today. Rejoinder affidavit, if any, be filed within two weeks thereafter.

10. In the meanwhile, the effect and operation of the impugned order dated 24.02.2025, shall remain stayed.

(MANISH PITALE, J)