

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7495 OF 2025**

Ajay Kadam Associates,
Through its proprietor Ajay Nathuram Kadam ... Petitioner
vs.
Divisional Joint Registrar,
Co-operative Societies, Pune and others ... Respondents

Mr. Sandeep S. Salunkhe a/w. Mr. Rushikesh Kisan Gaikwad for petitioner.
Smt. Savina R. Crasto, AGP for respondent Nos.1 and 2.

**CORAM : MANISH PITALE, J.
DATE : 13th JUNE, 2025**

P.C. :

- . Heard learned counsel for the petitioner.
2. Issue notice for final disposal, returnable on 03.07.2025.
3. By this petition, the petitioner has challenged order dated 02.05.2025 passed by respondent No.1-Divisional Joint Registrar, Co-operative Societies, whereby an application for grant of stay filed by the petitioner, has been rejected and the revision application filed by the petitioner has been kept for further consideration.
4. It is the case of the petitioner that in the absence of stay in the revision proceedings, auction of the property belonging to the petitioner would take place and that would render the revision proceeding itself infructuous. The petitioner is aggrieved by the upset price fixed by the respondent No.2-District Deputy Registrar, Co-operative Societies, pertaining to 4 shops of the petitioner. The

petitioner relies upon the valuation report submitted by Government approved valuer and also document of sale pertaining to a similarly situated shop, to claim that the upset price fixed in the present case, is on a much lower side. It is submitted that in the face of the material placed before respondent No.1, interim stay ought to have been granted during the pendency of the revision application.

5. This Court has also perused the documents on record. There appears to be *prima facie* substance in the contentions raised on behalf of the petitioner, since the valuation upon which the petitioner relies, indicates that the shops in question could fetch a price in the range of ₹ 5 crores, while the upset price fixed by respondent No.2 is ₹ 3.26 crores, which is also the distress value. If interim stay, as claimed by the petitioner, is not granted, the auction fixed for 16.06.2025 would take place and this may render the present petition also infructuous.

6. Hence, till the next date, there shall be ad-interim stay in terms of prayer clause (f).

7. It is indicated that this Court, upon hearing the respondent, may consider continuing the interim relief and directing respondent No.1 to decide the revision application itself at the earliest.

(MANISH PITALE, J)

Priya Kambli