

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8078 OF 2025**

Omega Paradise Phase 1 Co-op. Hsg. Soc. Ltd.,
Through Venugopal Hariharan (Secretary) ... Petitioner
vs.
The State of Maharashtra,
Through Secretary (Co-operation) and others ... Respondents

Mr. Anirudha M. Sanap, i/b. Sarvadnya Legal Associates for petitioner.

Ms. T. J. Kapre, AGP for respondent Nos.1 to 3.

Mr. Ravindra Adsure a/w. Mr. Sidheshwar Biradar and Mr. Yash Sonavane
for respondent No.5.

Mr. Sidheshwar N. Biradar for respondent Nos.6 to 10.

CORAM : MANISH PITALE, J.

DATE : 27th JUNE, 2025

P.C. :

. Heard Mr. Sanap, the learned counsel appearing for the petitioner, Mr. Adsure, the learned counsel appearing for respondent No.5 and Ms. Kapre, learned AGP for respondent Nos.1 to 3-State.

2. The learned counsel for the petitioner relies upon order dated 31.01.2025 passed by this Court (Coram: Amit Borkar, J) in Writ Petition Nos.9136 of 2023 and 13128 of 2024, which, in turn, relies on a judgement of this Court in the case of *Dattatraya Mahadev Ugale and others vs. State of Maharashtra and others* (2024 SCC OnLine Bom 1326).

3. It is submitted that the said judgements cover the position of law in favour of the petitioner, inasmuch as the revisional authority in the present case acted without jurisdiction, for the reason that

what was challenged before it by the contesting respondents, was neither an order, nor a decision, which could be the subject matter of challenge under the revisional proceedings.

4. The learned counsel for the respondent No.5 informs this Court that the aforesaid order dated 31.01.2025 passed in Writ Petition Nos.9136 of 2025 and 13128 of 2024, is the subject matter of challenge before the Supreme Court in Special Leave Petition (Civil) No.9421 of 2025 and that the same is pending.

5. An endeavour is made to convince this Court that the view adopted in the said order and the earlier judgement referred to therein, may need reconsideration in the light of certain other judgements that need to be perused by this Court.

6. In view of the above, issue notice for final disposal, returnable on 05.08.2025, High on Board.

7. The learned AGP waives notice on behalf of respondent Nos.1 to 3. Service of notice on respondent No.4 is dispensed with, as he was only an enquiry officer and cannot be said to be a contesting respondent. Mr. Adsure waives notice on behalf of respondent No.5. Mr.Biradar waives notice on behalf of respondent Nos.6 to 10.

8. Respondents are at liberty to file their reply affidavits. It would be appropriate that copies of judgements, on which reliance is placed, are annexed to the reply affidavits.

(MANISH PITALE, J)