

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15867 Of 2025

Mr. Ashwin Nathubhai Mistry And Ors ...Petitioners

Versus

The State Of Maharashtra And Ors ...Respondents

Mr. Mukesh Mishra a/w Mr. Upadhaya, i/b of M M Law
Associates for the Petitioner

Ms. Kavita N. Solunke, Addl. GP a/w S. L. Babar, AGP For
the State.

Coram: N. J. Jamadar, J.
Date: 15th December, 2025

Oral Order :

1. Heard the Learned Counsel for the Petitioner.
2. The challenge in this petition is to an Order dated 31st March, 2023 whereby, the Deputy Registrar, Co-Operative Societies and Competent Authority rejected an Application preferred by the Petitioner for grant of a Certificate of Unilateral Deemed Conveyance on the ground that the resolution dated 5th February, 2022 came

to be stayed by the Co-Operative Court in Dispute No. CC/IV/466/2022 by the order dated 30th September, 2022.

3. By the said Order, the learned Judge, Co-operative Court, has restrained opponent No. 1 to 8 therein, the Petitioners herein, from acting and/or from implementing the decision shown to have been taken in special meeting dated 5th February, 2022 till the decision of the said dispute.
4. The learned Counsel for the Petitioner submitted that the Petitioners have assailed the said Interim Order before the Appellate Court.
5. As the petitioners have been restrained from acting upon the resolution passed in the meeting dated 5th february, 2022, wherein the decision was taken to file an application for grant of Certificate of Unilateral Deemed Conveyance, the Competent Authority was justified in rejecting the application on that count. In the event, the Petitioner succeeds in the Appeal against the said Order dated 30th September, 2022 before the Co-operative Appellate Court or any Order is passed by any Court or Authority which removes the embargo on the petitioners

acting upon the resolutions passed in the meeting dated 5th February, 2022, the Petitioners will be entitled to file a fresh application before the Competent Authority for grant of Unilateral Deemed Conveyance Certificate.

6. In any event, it is clarified that the Impugned Order has not been passed by the Competent Authority on the merits of the matter and, therefore, the impugned order would not preclude the Petitioners from filing a fresh application.
7. The Co-Operative Appellate Court is requested to hear and decide the Appeal No. **M.A. No. 10/2023** as expeditiously as possible.
8. Petition stands **disposed of**.

[N. J. JAMADAR, J.]

Arjun