

MPB

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

WRIT PETITION NO. 16042 of 2025

Rushabh K Shah and Ors. ... Petitioners
V/s.
The Deputy Registrar, Co-operative
Societies (P Ward) and Ors. ... Respondents

Mr. Shantanu Raktate along with Amar Parsekar for the
petitioners.

Mr. Ram Mani Upadhyay i/by Jonathan D'Sylva for the
Respondent Nos. 4 to 9 & 12 to 14.

V. R. Raje, AGP for the State – Respondent Nos. 1, 2, 17
& 18.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 8, 2025

P.C.:

1. The petitioners question the legality of the order passed by the Registrar under Section 78A(1) of the Maharashtra Co-operative Societies Act, 1960. They preferred Appeal No. 256 of 2025 before the Appellate Authority. The Appellate Authority issued directions to maintain status quo. This protection continued till 14 October 2025. The Appellate Authority then granted liberty to both sides to file their written statements within fifteen days. The difficulty arose because the Appellate Authority did not extend the order of status quo. Once the protection lapsed, the Administrator appointed under the impugned order commenced steps to assume charge. The petitioners submit that this has

rendered their statutory appeal illusory and has caused prejudice which ought to be corrected in the exercise of writ jurisdiction under Article 226 of the Constitution. The petitioners contend that continuation of the interim order is essential to preserve the substratum of the appeal.

2. Having heard the learned counsel on both sides, I find substance in the grievance that the appeal must be heard expeditiously and that interim protection must operate during that period. The appellate forum is created by statute. Parties are entitled to an effective adjudication. If interim protection ceases and the Administrator takes over the management, the very subject matter of challenge becomes altered and the pending appeal may lose practical significance. Courts have consistently held that appellate remedies must remain meaningful. The facts before me call for a limited intervention to secure fairness without entering the merits of the controversy.

3. After considering rival submissions and keeping in view the reasoning recorded in paragraphs 3 and 4 of the order dated 1 December 2025, I am satisfied that the following directions will secure justice in the matter.

ORDER

(i) The Appellate Authority shall decide Appeal No. 256 of 2025 filed by the petitioners within four weeks from today. The interim relief granted by this Court on 1 December 2025 shall continue till the disposal of the appeal. If the appeal is dismissed, the interim protection shall remain in force for an additional period of four

weeks to enable the petitioners to avail further remedies, if so advised.

(ii) The Appellate Authority shall decide the appeal on its own merits. No observation in this order shall influence the adjudication.

4. The writ petition is disposed of. There shall be no order as to costs.

(AMIT BORKAR, J.)