



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4175 OF 2024

Bhoiraj Matsyavaivsay Sahakari Sanstha Limited Nimkavhala

.Vs.

State of Maharashtra and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr M.V. Raut Advocate for the petitioner.

Mr. A.G. Mate, AGP for respondent Nos.1 to 6.

Mr. P. A. Kadu, Advocate for respondent No.7.

CORAM : SIDDHESHWAR .S. THOMBRE, J.

DATE : 14.10.2025

Heard learned counsel for the parties.

2. The present petition is directed against the order dated 07.05.2024 passed by the Additional Registrar and Commissioner of Fisheries Co-operative Societies Maharashtra State, Mumbai whereby the delay in filing an appeal before the Assistant Registrar Fisheries has been condoned and the said Authority has directed respondent No.3 to decide the matter on its own merits.

3. Learned counsel for the petitioner submits that respondent No.2 without considering the fact that respondent No.7 who challenged the registration of the petitioner's society after a period of eight years without explaining the delay properly in his application and even without hearing the petitioner, has condoned the delay and

directed respondent No.3 to decide the matter on its own merits. He submits that respondent No.7 is from the same village and they are fishermen. It is highly improbable that they were not knowing the registration of the petitioner's society and therefore, he prayed to set aside the order passed by respondent No.2. whereby respondent No.2 condone the delay and directed respondent No.3 to decide the matter on its own merit.

4. Per contra, learned counsel for respondent No.7 and learned AGP supported the impugned order by submitting that only the application for condonation of delay was to be considered and it was for the respondent No.3 to consider the same on its own merit. Therefore, considering the fact that while deciding the delay application, the authority has confined its consideration only to the question of condonation of delay. In view thereof, the authority has rightly remanded matter to respondent No.3 to decide on its own merit.

5. I have considered the submissions of both the counsel and I have gone through the controversy involved without going into the merit of the matter. The fact that only this proceeding arose out of the delay and respondent No.2 by condoning the delay remitted the matter to respondent No.3 to decide it on its own merit. Therefore, I do not find any reason to interfere in the matter under Article 227 of the Constitution of India.

6. However, it is made clear that respondent No.3

is supposed to decide the matter on its own merit without being influenced by the order passed by respondent No.2. The observations made, if any, by the respondent No.2 while considering the application for condonation of delay shall not be taken into consideration by the respondent No.3.

7. Writ Petition stands dismissed.

(SIDDHESHWAR .S. THOMBRE, J.)

manisha