



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

WRIT PETITION NO.589 OF 2025

Vasant Macchimar Sahakari Sanstha Maryadit, Wanvarala

Vs.

State of Maharashtra and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. O.A. Ghare, Advocate for the Petitioner.

Ms. K.H. Bhondge, AGP for the Respondent Nos.1 to 3/State.

Mr. S.P. Bhandarkar, Advocate for Respondent No.4.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 23rd FEBRUARY, 2026

1. Heard learned counsel for the petitioner as well as the learned counsel for the respondents.

2. By this petition, the petitioner has challenged the Orders dated 11.11.2024 and 09.01.2025 passed by the respondent No.1 – Deputy Registrar Co-operative Societies (Fisheries), Maharashtra State, Mumbai, thereby, condoning the delay in filing the appeal and deciding the appeal finally. By the order dated 09.01.2025 the appeal filed by the respondent No.4 – Shri Shankar Dhondiba Borkar (President of Manoharrao Adivai Matsya Vyavasaya Shakari Sanstha Maryadit, Chikhali, Tah. Pusad, Dist. Yavatmal) is allowed and the amendment to the bye laws of the petitioner-society is rejected.

3. The primary contention canvassed on behalf of the petitioner is that the respondent No.1 has decided the application for condonation of delay and condoned the delay of about eight years by considering the merits of the

matter. He submitted that the observations are recorded in the Order dated 11.11.2024 that the amendment to the 'Bye-Laws', appears to be done in irregular manner. By relying upon the judgment in the matter of *Mool Chandara Vs. Union of India and Another* reported in *(2025)1 Supreme Court Cases 625* learned counsel for the petitioner submits that the application for condonation of delay was required to be decided on the basis of sufficient cause pointed out in the application and merits of the matter were not required to be considered while deciding such an application.

4. The controversy in the instant petition arises out of the amendment to its bye-laws as made by the petitioner society which was approved on 29.03.2016, by which a reference was added to Pus Project, as its operational area. The amendment was approved by the respondent No.2 and therefore, the respondent No.4 filed an appeal before the respondent No.1, with an application for condonation of delay and challenged the amendment. The respondent No.1 allowed the application for condonation of delay and considered the appeal, which came to be decided by the Final Order dated 09.01.2025.

5. A perusal of the order passed by respondent No.1 on delay application reveals that the merits of the appeal are considered, while condoning the delay. In view of this limited controversy, the impugned order passed by the respondent No.1 - Deputy Registrar Co-operative Societies (Fisheries), Maharashtra State, Mumbai, condoning the delay and the consequent order passed by deciding the appeal with respect to challenge to approval to amendment

of the bye-laws are required to be quashed and set-aside and the matter needs to be remanded to the respondent No.1 for deciding it afresh.

6. In view of above, writ petition is **partly allowed**. Orders dated 11.11.2024 and 09.01.2025 passed by the respondent No.1 are hereby quashed and set-aside. The matter is remitted to the respondent No.1 for deciding it afresh from the stage of application for condonation of delay after giving an opportunity of hearing to all the concerned parties.

7. Respondent No.1 is directed to decide the application for condonation of delay at the earliest and if the appeal is registered, the appeal be decided preferably within a period of three months from the date of its registration.

8. In view of this, the writ petition is **disposed of**. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel