

ITEM NO.36

COURT NO.12

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 25472/2025

[Arising out of impugned final judgment and order dated 03-07-2024 in WP No. 9310/2024 passed by the High Court of Judicature at Bombay]

UJAWAL NANDADEEP CO-OPERATIVE HOUSING SOCIETY LIMITED Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No. 129662/2025 - CONDONATION OF DELAY IN FILING

IA No. 129663/2025 - EXEMPTION FROM FILING O.T.

Date : 21-05-2025 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN**

**For Petitioner(s) :Mr. Mukul Rohatgi, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Varun Tyagi, Adv.
Mr. Keshav Sehgal, Adv.
Mr. Bhaskar Nayak, AOR**

For Respondent(s) :

**UPON hearing the counsel the Court made the following
O R D E R**

1. By an order dated 16th January, 2024, the Divisional Joint Registrar of Co-operative Societies, Mumbai passed an order under Sections 21 and 21-A of the Maharashtra Co-operative Societies Act, 1960¹ de-registering the respondent no.5-Tirumala Co-operative Housing Society Limited.

2. Respondent no.5 carried the order in an appeal² before the Ministry of Co-operation, Maharashtra under Section 152 of the 1960 Act. By an order dated 28th June, 2024, the appellate authority declined the prayer for stay made by

¹ 1960 Act

² No. 150 of 2024

the respondent no.5. The appeal was, however, not disposed of.

3. Respondent no.5 challenged the appellate order declining stay before the High Court of Judicature at Bombay, Nagpur Bench by filing a writ petition³. Upon hearing the writ petition, the High Court formed a *prima facie* view that the order of de-registration was untenable and, accordingly, by an order 3rd July, 2024, stayed the operation of the order of de-registration of the respondent no.5.

4. Order dated 3rd July, 2024 is challenged in this special leave petition.

5. Delay condoned.

6. Mr. Mukul Rohtagi, learned senior counsel appearing for the petitioner (being the respondent no.3 before the High Court/the complainant), submits that the writ petition may be disposed of recording his concession that the petitioner does not intend to contest the writ petition pending before the High Court and that the writ petition itself may be disposed of with a direction upon the appellate authority to decide the appeal of the respondent no.5 challenging the order dated 16th January, 2024, at an early date, on merits.

7. The submission of Mr. Rohtagi appears to be just, fair and reasonable. The aforesaid writ petition, pending on the file of the High Court, stands disposed of with a direction upon the appellate authority in *seisin* of Appeal No. 150 of 2024 to decide the same in accordance with law upon granting full opportunity of hearing to the interested parties as early as possible, and subject to the convenience of the appellate authority, preferably within three months from date.

8. We, however, clarify that the order of stay granted by the High Court *vide* the impugned order shall continue till the disposal of the appeal.

³ No.9310 of 2024

9. The special leave petition stands disposed of on the above terms.
10. Pending application(s), if any, stand disposed of.
11. No opinion is expressed on merits.
12. Since the special leave petition has been disposed of without putting the respondent no.5 on notice, the petitioner shall communicate this order to it.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)