

ITEM NO.14

Court 6 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.5837/2021

(Arising out of impugned final judgment and order dated 23-03-2021 in WP No.4828/2019 passed by the High Court of Judicature at Bombay)

DHANRAJ NATHURAM ASWAMI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.51314/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.51312/2021-EXEMPTION FROM FILING O.T.)

Date : 16-04-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Kaushik Poddar, AOR
Mr. Saurabh Jain, Adv.
Ms. Minal Chandnani, Adv.

For Respondent(s)

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

- 1 The Division Bench of the Bombay High Court, by its order dated 23 March 2021, allowed an application for the unconditional withdrawal of a writ petition under Article 226 of the Constitution seeking to challenge the

validity of a test audit ordered under the provisions of Section 81(3)(c) of the Maharashtra Cooperative Societies Act 1966. The grievance with which the petitioners have moved these proceedings under Article 136 of the Constitution is that while on the one hand the High Court permitted the withdrawal of the petition, and declined to allow applications for impleadment or transposition, it has extended the interim relief by a period of four weeks.

- 2 It has been submitted by Mr Kapil Sibal, learned senior counsel appearing on behalf of the petitioner that once the High Court came to the conclusion that the petition should be allowed to be withdrawn, the interim order ought not to have been extended.
- 3 From the record, we find that the order of the High Court extended the interim relief which was in existence pending the disposal of the writ petition, W P No 4828 of 2019, by a period of four weeks, and that period would end on 20 April 2021. Hence, it is unnecessary to entertain the Special leave Petition. In the event that any fresh proceedings are moved before it by any other party on the same cause of action, the High Court shall consider whether interim relief should be granted uninfluenced by the extension granted by the impugned order while permitting the withdrawal of the petition.
- 4 The Special Leave Petition is accordingly disposed of.
- 5 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master