HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY ,THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 132 OF 2025

Writ Appeal under clause 15 of the Letters Patent Filed Against the order Dated 18-11-2024 passed in Writ Petition No 29459/2014 on the file of the High Court.

Between:

The BHEL Executive Cooperative Housing Society Ltd, TBC No 310(Old), TBC No 715 (New), HIG Phase I, Madhavanagar, BHEL, Ramachandrapuram, Hyderabad 502 032, Rep by its Secretary

...APPELLANT/RESPONDENTS

AND

1. S. Tej Kumar, S/o. SVN Appa Rao, Aged 68 years, Occupation. Retired, R/o HIG 330, Phase I, BHEL, Ramachandrapuram, Hyderabad 502 032.

...RESPONDENT/PETITIONER

2. Government of Telangana, represented by its Principal Secretary, Agriculture and Cooperation Department, Secretariat, Hyderabad 500 022
3. The Arbitrator/Deputy Registrar/ Divisional Cooperative Officer, Hyderabad West Division II Floor, Laxmi Estates, J N Road Abids, Hyderabad
4. Y V Subba Rao, S/o, late Y Dasaratha Ramaiah, aged 80 years, R/o HIG 5, BHEL, Ramachandrapuram, Hyderabad 502 032
5. Y V B Prasad, S/o Y Narayana Rao, aged 69 years, R/o HIG 6, BHEL, Ramachandrapuram, Hyderabad 502 032
6. Smt. G Saraswathi, W/o G Manohara Rao, Aged 65 years, R/o HIG 7, BHEL, Ramachandrapuram, Hyderabad 502 032
7. Sridhar Pillai, S/o Mahadeva Pillai, Aged 74 years, R/o HIG 3, BHEL, Ramachandrapuram, Hyderabad 502 032
8. G Bapuji, S/o G Sree Ramulu aged 69 years, R/o HIG 9, BHEL, Ramachandrapuram, Hyderabad 502 032
9. G Venkateswara Rao, S/o late Narsimha, Aged 66 years, R/o HIG 8/A, BHEL, Ramachandrapuram, Hyderabad 502 032

10. D Madusudana Rao, S/o. Balakishan Rao, Aged 76 years, R/o HIG 12, BHEL, Ramachandrapuram, Hyderabad 502 032

11. Voksoha Bhatt, S/o P K Bhatt, Aged 71 years, R/o HIG 13, BHEL, Ramachandrapuram, Hyderabad 502 032

12. K K M Raju, S/o P Narsimha Raju, Aged 75 years, R/o HIG 15, BHEL, Ramachandrapuram Hyderabad 502 032

13. S V Manohara Rao, S/o Narayana Rao, Aged 76 years, R/o HIG 16, BHEL, Ramachandrapuram Hyderabad 502 032

14. The Cooperative Tribunal at Hyderabad, Rep. its Secretary

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend/stay the impugned judgment passed by learned Single Judge in W.P. No. W.P. No.29459 of 2014 dated 18-11-2024.

Counsel for the Appellant: SRI. ANAND KUMAR KAPOOR

Counsel for the Respondent No.1: SRI V. RAVI KIRAN RAO SENIOR COUNSEL REP., FOR SRI V ROHITH

Counsel for the Respondent nO.2: Smt. B. MOHANA REDDY GP FOR COOPERATION

Counsel for the Respondent Nos.4,5&10 to 13: SRI C. SRI HARI PRASAD

Counsel for the Respondent Nos.6 to 9: SRI M.VENKAT DIVAKAR

Counsel for the Respondent NOs.3&14: ---

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.132 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Anand Kumar Kapoor, learned counsel for the appellant; Sri V. Ravi Kiran Rao, learned Senior Counsel represents Sri V. Rohith, learned counsel for respondent No.1; Smt. B. Mohana Reddy, learned Government Pleader for Co-operation, for respondent No.2; Sri C. Sri Hari Prasad, learned counsel for respondent Nos.4, 5 and 10 to 13 and Sri M. Venkat Divakar, learned counsel for respondent Nos.6 to 9.

2. With the consent, finally heard.

3. Learned counsel for the parties fairly submitted that the delay was condoned by the Co-operative Tribunal on 23.12.2010. Learned Single Judge could have decided whether such condonation of delay is founded upon furnishing "sufficient cause". However, it is agreed that in the teeth of Section 76(3) which prescribes that "*Any appeal under sub-section (1) shall, subject to the other provisions of this Act, be preferred within sixty days from the date of communication to the appellant of the decision, refusal or order complained of but the Tribunal may admit an appeal preferred after the said period of sixty days, if it is satisfied that the appellant*

has sufficient cause for not preferring the appeal within the said period", it was not correct to say that there was no power with the Tribunal to condone the delay. Since the Writ Petition was decided only on the ground of condonation of delay, it is agreed that the impugned order of learned Single Judge may be set aside and the matter may be remitted to the learned Single Judge for hearing in accordance with law.

4. In view of consensus arrived at, the impugned order dated 18.11.2024 in W.P.No.29459 of 2014 is set aside. The Writ Petition is restored to its original number. Since the Writ Petition is of the year 2014, we request the learned Single Judge to decide the matter at the earliest.

5. Accordingly, the Writ Appeal is **disposed of**. It is made clear that this Court has not expressed any opinion on the merits of the case. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Agriculture and Cooperation Department, Secretariat, Hyderabad 500 022
2. The Arbitrator/Deputy Registrar/ Divisional Cooperative Officer, Hyderabad West Division II Floor, Laxmi Estates, J N Road Abids, Hyderabad
3. The Secretary Cooperative Tribunal at Hyderabad
4. One CC to the Section Officer &Posting Section
5. One CC to Section Officer writ Non-Service Section
6. One CC to SRI. ANAND KUMAR KAPOOR Advocate [OPUC]
7. One CC to SRI. V ROHITH Advocate [OPUC]
8. Two CC to Smt. B. MOHANA REDDY GP FOR COOPERATION [OPUC]

9. One CC to SRI C. SRI HARI PRASAD Advocate [OPUC]
10. One CC to SRI M.VENKAT DIVAKAR Advocate [OPUC]
11. Two CD Copies

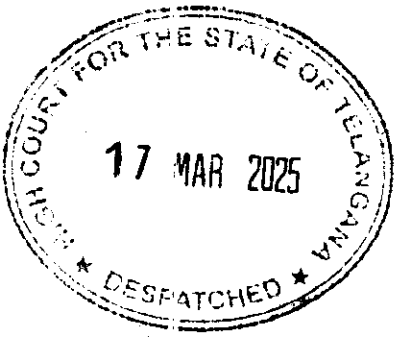
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HIGH COURT

DATED:03/02/2025

JUDGMENT

WA.No.132 of 2025



DISPOSING OF THE WRIT APPEAL WITHOUT COSTS

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S.A
27/2/25