



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6464 OF 2026

Shailendra Anavkar & Ors.

....Petitioners

V/S

The Deputy Registrar,
Co-operative Societies, MHADA & Ors.

....Respondents

Mr. Sanjiv A. Sawant a/w Mr. Abhishek Deshmukh and Ms. Bhakti P. Wast *for the Petitioners.*

Mr. Sandesh Deshpande with Ms. Janhavi Chaudhari *for Respondent Nos.3 and 4.*

Ms. Ashwini A. Purav, AGP *for Respondent Nos.1, 5 and 6/State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 7 SEPTEMBER 2026.

P.C.:

1. The Petition challenges order dated 24 April 2026 passed by the Joint Registrar Co-operative Societies, SRA, Mumbai, dismissing Revision Application No.214 of 2025 and confirming the order dated 28 October 2025 passed by Deputy Registrar. By order dated 28 October 2025, the Deputy Registrar, in exercise of powers under Section 75(5) and 78A of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**), has disqualified the Petitioners from being managing committee members and from being elected as committee members for a period of five years.

2. I have heard Mr. Sawant, the learned counsel appearing for the Petitioners, Mr. Deshpande, the learned counsel appearing for the

Respondent Nos.3 and 4 and Ms. Purav, the learned AGP appearing for Respondent No.1, 5 and 6/State.

3. It appears that a show-cause notice was issued by the Deputy Registrar on 25 August 2025 proposing to initiate action under provisions of Section 75(5) and 78A of the MCS Act alleging *inter alia* that Petitioners had failed to place before General Body of the Society audit rectification report pertaining to the year 2023-2024. However, while passing the final order dated 28 October 2025, the Deputy Registrar travelled beyond the scope of show-cause notice and has recorded a finding that there is a failure to submit audit rectification report for approval of General Body even *qua* year 2024-2025. The Divisional Joint Registrar has also held that there is a failure on the part of the Petitioners to place audit rectification report for the year 2024-2025 before the General Body.

4. So far as allegation of failure to place before the General Body audit rectification report for the year 2023-2024 is concerned, the Affidavit-in-Reply filed by the Deputy Registrar would indicate that in the meeting of the General Body held on 29 September 2024 for the year 2023-2024, audit rectification report was placed and has been approved by the General Body.

5. Thus, the impugned orders passed by the Deputy Registrar and the Joint Registrar are clearly perverse so far as findings relating to audit rectification report for the year 2023-2024 are concerned. So far as

allegation *qua* the year 2024-2025 is concerned, the impugned orders are clearly beyond the scope of show-cause notice.

6. This Court noticed the apparent errors in the orders passed by the Deputy Registrar and Joint Registrar and has passed following order on 8 May 2026:

- “1. Prima facie, the documents placed on record before the Authorities under the Act indicate that the compliance as required under Sections 75 and 82 have been satisfied by the petitioners. This fact was pointed to the Authorities, and the Authorities have referred this fact in the order. However, while passing and confirming order of disqualification, factual incorrect findings are recorded. The Revisional Authority has even exceeded his brief by recording a finding regarding non-compliance for the year 2024-2025 when the show-cause notice was issued in August 2024 and was restricted to period prior to 2023-2024. This shows that there is deliberate non-compliance of the judgment of this Court.
2. Hence, respondent Nos.1 and 5 shall file their personal affidavit as to why departmental inquiry, or any other action warranted in the facts of case based on judgment of the Supreme Court in the case of *Union of India vs. K.K. Dhawan*, 1993 (2) SCC 56 shall not be initiated against them.
3. List this writ petition on **27 July 2026**.
4. Until further orders, there shall be ad-interim relief in terms of prayer clause (b).”

7. In pursuance of order dated 8 May 2026, the Deputy Registrar has filed a personal Affidavit dated 23 July 2026. The Affidavit itself indicates that audit rectification report for the year 2023-2024 was placed before the General Body and was approved. The Joint Registrar has also filed his personal Affidavit dated 24 July 2026. Both the officers have attempted to justify the orders passed by them. It is sought to be contended in the Affidavits that though the ambit of the show-cause notice was restricted to the year 2023-2024, records produced by the Petitioners relating to the year 2024-2025 were also taken into consideration for the purpose of

making the impugned orders. However, merely because a party produces record outside the scope of show-cause notice, the same does not mean that disqualification can be ordered on the basis of material which does not form part of the show-cause notice.

8. Though the orders passed by the Deputy Registrar and the Joint Registrar are found to be erroneous, I do not propose to direct any personal action against them considering the explanation pleaded in the Affidavits.

9. Petition accordingly succeeds and I proceed to pass following order:

i) Order dated 24 April 2026 passed by the Joint Registrar and order dated 28 October 2025 passed by the Deputy Registrar are set aside.

10. Writ Petition is **allowed** in above terms. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)