



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10703 OF 2026

Ghanshyam Sitaram Bidawatka

...Petitioner

V/s.

The Divisional Joint Registrar Co-op
Societies And Ors

...Respondents

Mr. Niraj Bidawatka *for Petitioner.*

Mr. Sachin P. Borhade *for Respondent Nos. 3 to 5.*

Mr. Deep Barot *(through VC) for Intervenor.*

Mr. A. I. Patel, *Addl. G. P. with Ms. S. D. Chipade for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 24 AUGUST 2026.

P.C.:

1) The Petition challenges order dated 5 August 2026 passed by the Deputy Registrar, Co-operative Societies R South Ward, Mumbai (**Deputy Registrar**), by which the Deputy Registrar has made a partial modification in the order dated 21 April 2026 and in place of Mr. Sham Darekar, certified auditor, an authorized committee comprising of Respondent Nos. 4 to 6 is now appointed to look after day to day affairs of the Society and for conduct of elections of the Society.

2) The order dated 5 August 2026 is appealable under Section 152 of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**) and

the Petitioner has infact filed such Appeal on 10 August 2026. The Petitioner however complains that when the Appeal was moved before the Divisional Joint Registrar on 10 August 2026, the next date of hearing is now fixed on 29 September 2026. It is contended that since the impugned order dated 5 August 2026 is grossly erroneous, Petitioner need not to be made to wait for outcome of the Appeal.

3) Ordinarily, this Court would not have entertained the present Petition in the light of exercise of statutory remedy of Appeal by the Petitioner. However, this Court has noticed gross illegalities in the order dated 5 August 2026, on account of which exercise of alternate remedy by the Petitioner and pendency of Appeal will have to be ignored and interference by this Court in the impugned order becomes warrantable.

4) My attention is drawn to order dated 10 February 2022 passed under Section 75(5) of the MCS Act under which Respondent Nos. 4 and 5 are disqualified from being committee members for a period of 5 years. The period of disqualification of Respondent Nos. 4 and 5 continues to operate. It appears that one more order is passed on 10 February 2022 under Section 79A(3) of the MCS Act, under which Respondent Nos. 4 and 5 are disqualified for 6 years. Even this period of disqualification continues to operate.

5) By order dated 21 April 2026, the Deputy Registrar had appointed Shri. Sham Darekar, certified Auditor as the Authorized Officer for looking after day to day affairs of the society and for conduct of the

elections. It appears that the Authorized Officer Mr. Sham Darekar submitted his resignation on 29 May 2026. The Deputy Registrar refused to accept the resignation and directed Mr. Darekar to continue as Authorized Officer till constitution of new managing committee after conduct of election. What has happened between 1 June 2026 and 5 August 2026 is unknown. The fact remains that the elections are yet to be conducted. However, the Deputy Registrar has now changed his mind and has decided to replace Mr. Darkar from the position of Authorized Officer. What is more shocking is the fact that the Deputy Registrar has directed that the Respondent Nos. 4 and 5, who continue to suffer disqualification, to act as members of authorized committee for looking after day to day affairs of the society and to conduct the elections. Thus, persons who are disqualified from managing the affairs of the society by orders dated 10 February 2022 are permitted to do so in an indirect manner through the order dated 5 August 2026. The order passed by the Deputy Registrar thus is grossly arbitrary and illegal. Since Respondent Nos. 4 and 5 cannot be permitted to look after affairs of the society, their appointment on the committee is clearly illegal. If Mr. Darekar has a reservations in acting as an Authorized Officer, the Deputy Registrar ought to have appointed some other person as the Authorized Officer. He could not have permitted Respondent Nos. 4 and 5 to gain control over affairs of the society in an indirect manner by passing the impugned order dated 5 August 2026.

6) What also disturbs the Court is that despite passage of four long months from the date of appointment of Authorized Officer, elections to the committee are still not held.

7) Considering this position, instead of directing decision of the Appeal, which is now adjourned to 29 September 2026, it would be apposite to set aside the order dated 5 August 2026 with a direction to Deputy Registrar to appoint some other officer as the Authorized Officer. This would ensure that the elections of the society would be conducted in an expeditious manner.

8) Accordingly, order dated 5 August 2026 is set aside. The Deputy Registrar shall proceed to pass an order appointing the some other officer as the Authorized Officer to took after day to day affairs of the society and for conduct of elections within one week. The Authorized Officer so appointed shall forthwith conduct elections of the society. The Divisional Joint Registrar shall proceed to pass a formal order of closure of the Appeal since the order dated 5 August 2026 is set aside.

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

[SANDEEP V. MARNE, J.]