

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.2128 OF 2016**

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| <b>The Kunbi Sahakari Bank Ltd., Mumbai</b>                                       | <b>..Petitioner</b>  |
| <b>Versus</b>                                                                     |                      |
| <b>District Deputy Registrar, Co-op. Societies<br/>Mumbai (1) City and others</b> | <b>..Respondents</b> |

**Mr. G. S. Godbole a/w Mr. H. Toor i/by S. B. Legal for the Petitioner.  
Mr. Sukanta Karmakar, AGP for the Respondents.**

**CORAM : R. M. SAVANT, J.  
DATE : 25<sup>th</sup> OCTOBER, 2016**

**PC.**

1           The order dated 21.04.2016 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai, by which order, the Revision Application filed by the Petitioner came to be dismissed is taken exception to by way of the above Petitioner. The said Revision Application was filed challenging the order dated 25.05.2015 passed by the District Deputy Registrar, Co-operative Societies under Section 89(A) of the Maharashtra Co-operative Societies Act, 1960 (For short "the MCS Act"). The said provision provides for an inspection to be carried out by the Registrar to ensure that the society functions within the four corners of the MCS Act and the Rules. The Revision Application filed by the Petitioner has been rejected by the Divisional Joint Registrar on

the ground that no harm or prejudice shall be caused to the Applicant Bank if the inspection of the books and records is permitted under Section 89(A) of the MCS Act. The Divisional Joint Registrar therefore did not deem it appropriate to interfere with the order dated 25.05.2015 passed by the District Deputy Registrar, Co-operative Societies, Mumbai (1) City.

2           On behalf of the Petitioner, contentions were sought to be raised based on certain events which have taken place in the past where an enquiry was initiated under Section 83 of the MCS Act against the Petitioner Bank at the behest of the same Complainant which proceedings were ultimately set aside by the State Government in Revision. The grievance of the Petitioner as urged by the Learned Counsel is that the Complaints at the behest of the same person who has been defeated in the past elections are being entertained by the authorities exercising powers under the MCS Act. The Learned Counsel also sought to rely upon the provisions of the Banking Regulation Act to contend that in so far as advancement of loans etc. is concerned, the same would be covered by the relevant provisions of the Banking Regulation Act and not the MCS Act.

3           Per contra, the Learned AGP sought to justify the impugned

order passed by the Divisional Joint Registrar and would contend that what is contemplated is an inspection under Section 89(A) of the MCS Act.

4           Having heard the Learned Counsel for the parties. In the light of the mandate of Section 89(A) of the MCS Act and having regard to the nature of the order passed, namely of an inspection being carried, in my view, no interdiction of this Court in its writ jurisdiction is warranted. However the contentions urged on behalf of the Petitioner are kept open for being raised at the appropriate time if the eventuality so arises in the future.

5           The Learned AGP was asked to take instructions as to within how much time the inspection would be carried out. The Learned AGP on instructions stated that a period of six months would be required as the officer who has to take the inspection is already having additional charge. In my view, that cannot be a ground for prolonging the inspection for the said length of time. If the authorities are desirous of carrying out an inspection in terms of Section 89(A) of the MCS Act, they would be well advised to carry out the same as expeditiously as possible. Hence, this Court fixes the time frame for carrying out inspection upto 31.01.2017. It is clarified that only inspection would be carried out.

6           Needless to state that no further extension would be granted and that if the inspection is not completed and unless justifiable grounds are made out for non-completion, then the direction as contained in the impugned order dated 25.05.2015 would be deemed to have lapsed. With the aforesaid directions, the Writ Petition is disposed of.

**[R.M.SAVANT, J]**