



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9964 OF 2023

Nilgiriwala Traders Agencies Pvt. Ltd.
Through Directors
Nasru Baddruddin Nilgiriwala & Anr. ...Petitioners
Versus
Chairman/Secretary/Treasurer
Blue Hills Co-op. Hsg. Society & Ors. ...Respondents

Mr. Shrishail Sakhare, for the Petitioners.

Mr. S. D. Rayrikar, AGP, for the Respondent Nos.3 & 4-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 28th AUGUST 2023

P.C. :

1. Heard Mr. Sakhare, learned counsel appearing for the Petitioners and Mr. S. D. Rayrikar, learned AGP, appearing for Respondent Nos.3 and 4-State.
2. The Petitioners are the members of the Respondent No.1-society. The impugned orders in the present Writ Petition are separate orders dated 31st December 2021 passed in Revision Application No.307 of 2016 and Revision Application No.52 of 2017. By the impugned orders, both the Revision Applications were dismissed for non-compliance of mandatory requirement of Sub-Section (2A) of Section 154 of the Maharashtra

Cooperative Societies Act, 1960 (hereinafter referred to as “**the said Act**”).

3. Mr. Sakhare, learned counsel appearing for the Petitioners on the basis of Roznama states that some amount has been paid and he seeks some more time to deposit balance amount which will be in compliance with requirement of Section (2A) of Section 154 of the said Act.

4. However, perusal of the chart which is annexed at Exhibit-K by the Petitioners clearly shows that huge arrears are there. Therefore, it is clear that the Petitioners who are having shop Nos.5, 6, 7 and 8 in the Respondent No.1-society are habitual defaulters. The society is suffering due to the non-payment of maintenance charges by the Petitioners who are the owners of four shops in the society building. Therefore, this is not a case where interference of this Court under Article 226 and 227 of the Constitution of India is warranted.

5. The Writ Petition is dismissed, however with no order as to costs.

[MADHAV J. JAMDAR, J.]