

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Writ Petition No.285 of 2020**

Sau. Savita Damodhar Ingale Through P.O.A. Mr. Damodhar Laxman Ingale Vs Registrar General Of Co-Operative
Societies, Pune And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.B. Bhise, Advocate for the Petitioner/s
Ms Shamsi Haidar, AGP for the Respondent Nos.1 to 4/State
Shri A.P. Tathod, Advocate for the respondent No.5

**CORAM : ANIL S. KILOR, J.
DATED : 12th April 2023**

1. Heard.
2. In this petition, the order impugned in the present petition dated 19.01.2019 passed by the respondent No.1/Registrar General of Co-operative Societies, Pune, is arising out of the complaint filed by the petitioner under Section 18 of the Maharashtra Money Lending (Regulation) Act, 2014 against the respondent No.5.
3. The learned counsel for the petitioner has pointed out that though the respondent No.1 has recorded the submissions made by the petitioner, however, he has not dealt with any of the submissions while rejecting the revision application. It is submitted that a reliance which the respondent No.1 has placed on interim order dated 04.10.2019 passed by this Court in Writ Petition No.5178 of 2016, is not permissible in view of the fact that the said writ petition was subsequently disposed of on the ground that an alternate remedy. He submits that as the

respondent No.1 has not applied his mind while dismissing the revision application, the matter needs to be remanded back to the respondent No.1.

4. On the other hand, the learned AGP supports that impugned order and prays for dismissal of the writ petition.

5. The learned counsel for the respondent No.5 states that in two inquiries made by the Competent Authorities, it was revealed that the allegation as regards money lending transaction, was found to be incorrect.

6. He submits that though the respondent No.1 has not recorded findings on each of the submissions of the petitioner, however, the ultimate conclusion in view of the reports, is just and proper. He therefore, submits that considering the scope of revisional jurisdiction, this Court may not interfere with the order of the Revisional Court i.e. respondent No.1.

7. In view of the rival submissions of the parties, I have perused the record and the impugned order.

8. The Hon'ble Supreme Court of India, in the case of ***Ravi Yashwant Bhoir Vs. District Collector, Raigad and others***¹

"43. In Krishna Swami v. Union of India & Ors., this Court observed that the rule of law requires that any action or decision of a statutory or public authority must be founded on the reason stated in the order or borne-out from the record. The Court further observed: (SCC p.637, para 47)

"47. ... Reasons are the links between the material, the foundation for their erection and the actual

1 (2012) 4 SCC 407

conclusions. They would also demonstrate how the mind of the maker was activated and actuated and their rational nexus and synthesis with the facts considered and the conclusions reached. Lest it would be arbitrary, unfair and unjust, violating [Article 14](#) or unfair procedure offending [Article 21](#)."

9. In the light of the above observations of the Hon'ble Supreme Court of India, I find substance in the submission of the learned counsel for the petitioner that the respondent No.1 has not recorded any findings on the submissions made by the petitioner.

10. It is apparent on the face of the impugned order that though the respondent No.1 has recorded submissions of the petitioner, the same were not dealt with and no reasons are recorded.

11. The respondent No.1 has further committed error in relying upon the interim order dated 05.10.2019 passed in writ petition No.5178 of 2016, while dismissing the revision. In fact, the said writ petition was disposed of on the ground of alternate remedy.

12. Thus, having found that the respondent No.1 has not considered the case of the petitioner, I am of the opinion that the present matter needs to be remanded back to the respondent No.1. Accordingly, I pass the following order:

- i) The writ petition is **partly allowed**.
- ii) The impugned order dated 19.01.2019 passed by Registrar General of Co-operative Societies, Maharashtra

State, Pune/respondent No.1, is hereby quashed and set aside.

iii) The matter is remanded back to the respondent No.1 for deciding the same afresh, after hearing both the parties.

iv) The respondent No.1 is directed to decide the revision application within one month from the date of appearance of the parties.

v) Both the parties are directed to appear on 26.04.2023 at 11.00 a.m. before the respondent No.1/ Registrar General of Co-operative Societies, Maharashtra State, Pune.

[ANIL S. KILOR, J.]