

AGK

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

WRIT PETITION NO.3423 OF 2024

Ramchandra Kinkar Shinge

... Petitioner

V/s.

Nikam Park Sahakari Gruhnirman
Sanstha Maryadit, through its
Chairman & Ors.

... Respondent

Mr. Dheeraj Patil with Mr. Ruturaj Pawar for the
petitioner.

Mr. Anand S. Patil for the respondents.

CORAM : AMIT BORKAR, J.

DATED : MARCH 12, 2024

P.C.:

1. By the impugned order, the Divisional Joint Registrar has rejected application for condonation of delay in filing Revision Application under Section 154 of the Maharashtra Cooperative Societies Act, 1960 ("the said Act" for short) on the ground that earlier revision applications filed by the petitioner were dismissed.

2. On perusal of earlier orders, it appears that the earlier revision applications were not rejected on merits but were rejected on the ground of non-compliance of Section 154(2A) of the said Act. Therefore, the order of issuance of certificate under Section 101 of the said Act was not merged with the dismissal of the revision application.

3. It is always open for the aggrieved person to challenge certificate under Section 101 of the said Act if earlier revision applications were not decided on merits but were dismissed on the ground of non-compliance of Section 154(2A) of the said Act.

4. Therefore, it is necessary that the Revisional Authority needs to consider application for condonation of delay on its own merits without insisting for compliance of Section 154(2A) of the said Act. If the Authority decided to condone the delay, insistence on compliance of Section 154(2A) of the said Act can be made. The impugned order, therefore, cannot be sustained.

a) Impugned order dated 12 February 2024 passed by the Divisional Joint Registrar, Kolhapur Division, Kolhapur in Revision Application No.247 of 2023 is quashed and set aside.

b) The application seeking condonation of delay is restored to file.

c) The Revisional Authority shall decide the application for condonation of delay on its own merits and if it condones the delay, shall insist on compliance of Section 154(2A) of the said Act, if already not complied with.

5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)