

VRJ

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

WRIT PETITION NO.4491 OF 2022

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Prakash Ramchandra Borge

... Petitioner

V/s.

The State of Maharashtra Through The
Divisional Joint Registrar of Cooperative
Societies & Ors.

... Respondents

Mr. P. A. Pol with Mr. Sharad Suryavanshi, Mr. Ranjit S.
Hatkar i/by Pol Legal Juris for the petitioner.

Ms. V. S. Nimbalkar, AGP for the State/respondent
No.2.

Ms. Bhagyashri Ranade with Ms. Kinjal Luniya i/by Mr.
Sachin Pawar for respondent No.4.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 22, 2024

PC.:

1. By the impugned order, the Revisional Authority exercising power under section 154 of the Maharashtra Cooperative Societies Act, 1960 has rejected Revision Application Nos.37 of 2021 and 38 of 2021.

2. It appears that the Assistant Registrar issued two certificates under section 101 of the Maharashtra Cooperative Societies Act, 1960. First certificate bears No.25 of 2018 and second certificate bears No.124 of 2020.

3. The Revisional Authority, by the impugned order, rejected both the revision applications on the ground that the petitioner has failed to comply with section 154(2A) of the Maharashtra Cooperative Societies Act, 1960.
4. Learned advocate for the petitioner states that the petitioner has already paid substantial amount in a revision arising out of certificate No.25 of 2018. However, according to him, since the certificate bearing No.124 of 2020 was issued for the same loan in relation to which certificate bearing No.25 of 2018 was issued, it is not necessary for the petitioner to deposit the amount.
5. The requirement of section 154(2A) of the Maharashtra Cooperative Societies Act, 1960 operates at the stage of entertaining the challenge to certificate issued under section 101 of the Maharashtra Cooperative Societies Act, 1960. On the date of considering the revision on merits, if there is no material evidencing compliance of section 154(2A) of the Maharashtra Cooperative Societies Act, 1960, the Revisional Authority has no jurisdiction to entertain revision application on merits. The contention raised by the petitioner regarding compliance of certificate No.25 of 2018 is a submission which requires Revisional Authority to consider merits of the revision. Therefore, compliance with section 154(2A) of the Maharashtra Cooperative Societies Act, 1960 is mandatory. Therefore, unless the petitioner satisfies with the Revisional Authority or pays 50% of the certificated amount, the Divisional Joint Registrar cannot entertain the revision.

6. It is, therefore, open for the petitioner to comply with section 154(2A) of the Maharashtra Cooperative Societies Act, 1960 and after the Revisional Authority is satisfied that the petitioner has complied with section 154(2A), shall entertain the contentions raised by the petitioner on merits. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)