

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

WRIT PETITION NO. 9250 OF 2024

Sudhir Agarwal ...Petitioner

Versus

The Divisional Joint Registrar,
Co-operative Societies, (Mumbai Division) ...Respondent

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Mr. Mohit Bhardwaj, for the Petitioner.

Ms. A. A. Nadkarni, A.G.P. for the Respondent – State.

Adv. Ajit Anekar a/w Mr. Karan Chaudhary & Mr. Siddhant Sawhney
i/by Auris Legal, for the Respondent Nos. 4 to 10 and 13.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 9th JULY 2024

P.C.:

1. The grievance raised is that the managing committee of the Splendor Complex Co-operative Housing Society, of which respondent nos. 4 to 16 were/are the members, ought to be disqualified under Section 154 B-23(1) (iii) of the Maharashtra Co-operative Societies Act, 1960 (for short “MCS Act”) for not having complied with the Orders passed by the Registrar under Section 154 B-27 of the MCS Act, as inspite of an Order dated 01.11.2021, passed by the

respondent no. 2 under Section 22 (2) r/w Section 154 B-27 of the MCS Act, on account of the same not having been complied an order came to be passed on 28.03.2022, appointing an authorized person to issue the share certificate in favour of the one Mr. Mohit Bhardwaj. Though the petitioner is not a party to those proceedings, however according to him this indicates non compliance with an Order passed under Section 154 B-27 on account of which the managing committee has incurred disqualification under Section 154 B-23 (1) clause 3.

2. Issue notice for final disposal, returnable on 29th July, 2024. Mr. Anekar, waives notice for respondent nos. 4 to 10 and 13. The learned APP waives notice for respondent nos. 1 to 3.

3. By the next date Mr. Anekar, learned counsel for respondent nos. 4 to 10 and 13 shall place on record a list of all the members of the society indicating which member has been granted the share certificate and when.

(AVINASH G. GHAROTE, J.)