



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5838 OF 2020

Jalgaon Janta Sahakari Bank Ltd.,
VERSUS
The State Of Maharashtra And Others

- Mr. A. N. Nagargoje, Advocate for the Petitioner
- Mr. V. M. Chate, AGP for the Respondent Nos. 1 to 3/State
- Mr. V. D. Salunke h/f Mr. M. V. Salunke, Advocate for the Respondent Nos. 4 and 5
- Mr. A. G. Talhar, Advocate for Respondent Nos. 9 and 10 (VC)

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 22, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.
2. This Petition involves short question as to whether the Revisional Authority while exercising powers under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short '**the Act**') can permit the parties to lead the additional evidence or produce additional documents, which were not placed before the Authority who has passed order impugned in the Revision.

3. It is sought to be contended on behalf of the Petitioner that the Revision filed before the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik (for short 'DJR') is against the order passed by the District Deputy Registrar, Co-operative Societies, Jalgaon (for short 'DDR') of refusing to decide the upset price for the purpose of sale of the attached properties by the Petitioner/Bank. Since the other Application was rejected by the DDR on 11.07.2018, by invoking provisions of Section 154 of the Act, a challenge was raised to the said order. During the pendency of the Revision, an Application was moved before the Revisional Authority for production of documents, which were admittedly not forming part of the record of the order passed by the DDR. The Revisional Authority by impugned order rejected the Application essentially on the ground that since those documents were not placed before the DDR while passing impugned order, the same cannot be permitted to be filed on record.

4. Learned Counsel for the Petitioner submits that the properties in question are already attached

and it was for the DDR only to decide/accept the upset price decided in respect of the sale of the said properties and not to go into any other aspect of the matter. According to him, the various observations made by the DDR are not in consonance with the law and hence, the Revision came to be filed before the DJR. It is submitted that since objection was raised not only before the DDR in respect of determination of upset price but also before the Revisional Authority by the Respondents documents were sought to be placed on record to substantiate the case. It is his submission that Section 154 of the Act read with Rule 107 of the Maharashtra Co-operative Societies Rules, 1961 (for short '**the Rules**'), do not prohibit production of any document. It is his submission that having regard to the nature of dispute before Revisional Authority, it was open for the Revisional Authority to permit production of document, the relevancy thereof could have been decided at the time of decision of the Revision finally on merit. To support his submissions, he placed reliance on the judgment of Hon'ble Supreme Court in case of **Union Bank of India vs. Naresh Kumar, 1997 AIR (SC) 3.**

5. This contention is opposed by learned Counsels for Respondents. It is their contention that the provision of Section 154 of the Act provides for limited powers to the Revisional Authority to decide the legality and propriety of the decision/order challenged before it. It is their contention that unlike the Appellate Authority, it would not be open for the Revisional Authority to refer any other material but for the material, which was available on record while passing impugned order. It is argued by referring to the judgment of Hon'ble Supreme Court in case of Hindustan Petroleum Corporation Limited vs. Dilabhar Singh, 2014 (6) MLJ 591 that scope of revision is altogether different than the Appeal. Reference is made to the observations in the judgment of the Hon'ble Supreme Court with regard to the meaning and term of legality and propriety of the order, which would be considered by the Revisional Authority unlike the decision afresh of any issue by the Appellate Authority.

6. on the face of it arguments advanced by the learned Counsel for the Petitioner seems attractive

that the production of the document ought to have been allowed by the Revisional Authority and evidentiary value thereof could have been considered at the time of final decision of the Revision. However, perusal of Section 154 of the Act indicates that where no Appeal lies against any decision or order, the Revision is permissible under the said provision. Meaning thereby, such orders are not made appealable but its legality and propriety could be tested in the limited jurisdiction of Revision. While exercising such revisional powers *suo moto* or any application the Revisional Authority is duty bound to examine the record of the inquiry and the proceedings of any matter. Though there is no specific power provided for non production of any additional evidence/record before the Revisional Authority, this Court finds substance in the contention of the learned Counsel for Respondent that it is implied that no additional documents would be permitted. Of course, no inflexible rule could be set in this regard and such issue would be decided in the facts of each case.

7. Pertinently, the Hon'ble Supreme Court in case

of Hindustan Petroleum Corporation Limited (supra) has dealt with the issue as to what constitutes the correctness, legality or propriety of any order. Needless to say that powers of Revisional Authority are extremely limited as compared to the Appellate Courts/Authority. It is open for the Appellate Court even to permit the additional evidence to be led on record and to record the findings of facts as well as law afresh. Such exercise of powers is not within the purview of the Revisional Authority. Revisional Authority is expected to decide the legality and propriety of the order/decision on the basis of material placed on record. The Revisional Authority having been no power to consider the additional evidence and reversing the findings/decision of the Authority below by re-appreciation of entire material on record, there is no propriety in permitting any additional evidence/documents, if sought to be placed on record before the Revisional Authority for the first time. Permitting such additional evidence would impliedly allowing the Revisional Authority to assess the evidence, which was not dealt with by the Authority at first instance and, which was not on record while

passing order and for the purpose of deciding the legality and propriety of the order, there would be embargo to consider fresh material.

8. In the facts of the case, the order impugned passed by the Revisional Authority of refusing to entertain any fresh documents to be placed on record cannot be called as perverse. In the result, there is not merit in the Petition.

9. Though Revisional Authority was justified in refusing any document to be placed on record, there cannot be any justification for refusing to place on record resolution, which supports the filing of the Revisional Application itself. Hence, resolution is allowed to be taken on record. Needless to say that permission to file resolution on record not to be construed as this Court has accepted correctness of any such resolution and it would be open for the parties to agitate said issue before Revisional Authority.

10. Petition, therefore, stands dismissed in above terms.

(R. M. JOSHI, J.)