



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.13074 OF 2024

Dr. Nilesh s/o Vasudeo Mahajan,
Age 49 yrs. Occ. Medical Practitioner
r/o Sai Pushpa Accident Hospital
Yawal Road, Bhusawal, Tq. Bhusawal
Dist. Jalgaon

...Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary
Cooperation Department,
Mantralaya Mumbai-32
2. The Registrar for Dealing the Matter of
Money Lending @ Additional commissioner
And Special Registrar, Cooperative Society,
Maharashtra State, Pune
3. The District Deputy Registrar
Cooperative Societies, Jalgaon,
Dist. Jalgaon
4. Arun s/o Santosh Patil,
Age 52 yrs. Occ. Agri.
r/o Sangvi (Kh), Post Nimgaon
Tq. Yawal, Dist. Jalgaon.
5. Chandrashekar s/o Prakash Attarde
Age 50 yrs. Occ. Agri.
r/o 1184, Attardewada, Pandhri Nanded,
Jalgaon, Dist. Jalgaon.
6. Yogita w/o Nitin chaudhari,
Age 45 yrs. Occ. Household.
r/o Anjale, Tq. Yawal, Dist. Jalgaon.

7. Kailas s/o Shantaram Chaudhari,
Age 58 yrs. Occ. Service,
r/o Tapinagar, Bhusawal
Tq. Bhusawal, Dist. Jalgaon ...Respondents

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- Mr. A. D. Shinde, Advocate for the Petitioner
- Mr. N. D. Raje, AGP for Respondents/State
- Mr. Jadhav Kailas B., Advocate for Respondent Nos.5 to 7
- Mr. Jadhav Chetan T., Advocate for Respondent No.4

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WITH
CIVIL APPLICATION NO. 4039 OF 2025 IN WP/13074/2024

Arun Santosh Patil
VERSUS
The State Of Maharashtra Through Its Secretary And Others

...

CORAM : ROHIT W. JOSHI, J.
DATED : 9th JUNE 2025

JUDGEMENT :-

1. The petitioner is aggrieved by order dated 23.10.2024 passed by respondent no.2/Deputy Registrar (Money Lending) Co-operative Societies, Maharashtra State, Pune, purportedly in exercise of powers conferred under Section 9 of the Maharashtra Money Lending Regularization Act, 2014.

2. The petitioner is respondent no.3 before the said authority. The grievance of the petitioner is that the order impugned has been passed without affording opportunity of hearing to him. The learned

Advocate for respondent No.4/the revision petitioner contends that the petitioner was duly served in the matter and refrained from entering appearance and therefore the learned authority was left with no other option than to decide the matter on its merits without hearing the petition. Learned Advocate for respondent no.4 has drawn my attention to order dated 12.08.2024 to demonstrate that the petitioner was served in the matter and an Advocate had entered appearance in the matter on his behalf. He then states that the petitioner and his Advocate were absent when the matter was taken up for hearing on 24.09.2024. He therefore justifies the order saying that sufficient chances were granted to the petitioner for conducting the matter.

3. Perusal of order sheet dated 12.08.2024 will indicate that the petitioner was indeed served in the matter and was represented by an Advocate in the proceeding that was held on 12.08.2024. However, perusal of the order sheet dated 24.09.2024 will indicate that the authority had ordered issuance of fresh notice to the petitioner. The matter was posted for hearing on 15.10.2024. Perusal of the order sheet dated 15.10.2024 will demonstrate that the authority has observed that since the petitioner (respondent no.3) was continuously

absent in the proceedings, the matter was being decided considering that the petitioner had no submissions to make in the matter.

4. It is true that the petitioner in spite of service did not remain present for advancing submission on 05.09.2024 and 24.09.2024. However, perusal of order sheet dated 24.09.2024 indicates that the learned authority deemed it appropriate to grant one more opportunity to the petitioner and therefore ordered issuance of fresh notice by making it returnable on 15.10.2024. Although, it is recorded in the order sheet dated 15.10.2024 that the petitioner (respondent no.3) was absent, the learned Advocate for the petitioner has drawn attention to an application dated 15.10.2024 at page 60 of the petition seeking permission to file written notes. It appears that the said application is not decided and ultimately the impugned order is passed on 24.10.2024.

5. Apart from this, the learned Counsel for the petitioner has also made a submission with respect to maintainability of the revision on the ground that the order passed by respondent no.3 is an appealable under Section 18(4) and therefore Revision under section 9 will not be maintainable since orders which are appealable cannot be challenged in appeal under Section 9 of the Act.

6. Since the impugned order is passed without hearing the petitioner, I am not inclined to enter into the merits of the matter. The ends of justice will be subserved by remanding the matter to respondent No.2 to decide Revision Application afresh after granting opportunity of hearing to both the sides.

7. In the result, the order dated 23.10.2024 passed by respondent No.2/Deputy Registrar (Money Lending) Co-operative Societies, Maharashtra State, Pune, is quashed and set aside. Parties are directed to appear before the said authority on 23.06.2025 at 11.00 a.m. Parties to note that fresh notice will not be issued.

8. Respondent No.2 is directed to decide the Revision Application on or before 30.11.2025.

9. Needless to mention that all points including point of maintainability of revision is kept open.

10. Writ petition is disposed of accordingly.

11. Civil Application stands disposed of.

[ROHIT W. JOSHI, J.]