



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 589 OF 2024

SUBHASH KARBHARI NIRMAL

VERSUS

THE STATE OF MAHARASHTRA THROUGH MINISTER COOPERATION AND
OTHERS

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Mr. K. J. Suryawanshi, Advocate for the Petitioner

Mr. A. N. Irpatgire, Advocate for Respondent No. 6

CORAM : R. M. JOSHI, J.

DATE : 24th SEPTEMBER, 2025

P.C. :-

1. By consent of both sides, heard finally at the stage of admission.
2. Heard learned Counsels for both sides.
3. The small issue involved in this Petition is as to whether the Hon'ble Minister-Cooperation was justified in entertaining the revision under Section 154 of the Maharashtra Co-Operative Societies Act (for short 'MCS Act') against the report of the inquiry conducted under Section 83 of the MCS Act.
4. This Petition takes exception to the order dated 19/01/2023 passed by the Hon'ble Minister, Co-operation Marketing and Textile Department, Mantralaya, Mumbai in Revision No. 391/2021, whereby the report of inquiry under Section 83 of the Act came to be set aside.

5. It is a case of the Petitioner that the Chairman and board of Directors and Officers of Respondent No.5 Bank committed misappropriation of huge funds of the bank and loss was caused to the bank. The Petitioner, therefore, made complaint dated 21/01/2017 to Parali City Polit Station against the officer bearers of the bank. It is further case of the Petitioner that since the Police authorities failed to take cognizance of the said complaint, Criminal Writ Petition No. 259/2017 came to be filed before this Court. A direction was issued therein to the Petitioner to file appropriate Application before JMFC. Accordingly, Application came to be filed before JMFC being Cri.Misc. Application No. 75/2017 under Section 156(3) of the Code of Criminal Procedure. This Application is allowed and pursuant to the said order, first information report came to be registered by Parali Police Station. The Petitioner made another Application on 25/09/2017 seeking appointment of administrator on the Respondent No.5 Bank considering the series of illegalities committed by the office bearers. Another Application was moved on 29/05/2018 to Respondent No.2- Commissioner of Co-operation and Registrar Co-operative Societies for initiation of inquiry under Section 88 of MCS Act against the officers. Respondent No.2 issued order dated 16/04/2018 under Section 83 of the Act calling upon District Deputy Registrar, Beed to conduct an inquiry under the said provision. The District Deputy Registrar, Beed conducted the inquiry and submitted the report dated 14/03/2019.

Thereafter, Respondent No.2 issued an order under Section 88(1) of the Act on 15/09/2020 authorizing the Taluka Deputy Registrar Cooperative Societies, Beed to make an inquiry under the said provision. Respondent No.6 filed Revision bearing No. 391/2021 before the Hon'ble Minister belatedly after 882 days. It is grievance of the Petitioner that without condonation of delay, the Revision Application came to be allowed by passing impugned order. Hence, this Petition.

6. The point of law on the issue of tenability of revision under Section 154 of MCS Act against inquiry report under Section 88 of MCS Act, is fairly settled to say that the inquiry under section 83 of the Act is not an order for adjudication of any dispute and as such the same is not covered by Section 154 of the Act. A reference could be made to the judgments relied upon by Petitioner's Counsel in case of ***Shri. Sayajirao Narayan Takwane Vs. Divisional Joint Registrar and others in Writ Petition No. 544/2025, dated 04/02/2025 and Dattatraya Mahadev Ugale and others Vs. The State of Maharashtra, 2024: BHC-AS 22022.***

7. It would be relevant to take note of Section 154 of the Act, which reads thus:-

*"154. Revisionary powers of State Government and Registrar—
(1) The State Government or the Registrar, suo-motu or on an application, may call for and examine the record of any inquiry or proceedings of any matter, other than those referred to in sub-section (9) of section 149, where any decision or order has been passed by any subordinate officer, and no appeal lies against such decision or order, for the purpose of satisfying*

themselves as to the legality or propriety of any such decision or order, and as to the regularity of such proceedings, if in any case, it appears to the State Government, or the Registrar, that any decision or order so called for should be modified, annulled or reversed, the State Government or the Registrar, as the case may be, may, after giving the person affected thereby an opportunity of being heard, pass such orders thereon as to it or him may seem just.

(emphasis supplied)

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8. A bare perusal of this provision itself clearly shows that, Section 154 of MCS Act though refers to any inquiry or any proceeding what is relevant to note is that the order passed in such inquiry becomes revisionable and not the inquiry by itself. Herein this case as held in judgments cited supra that it is not an order but an inquiry and therefore revision would not be maintainable. This Court is in complete agreement with the view taken by the Co-ordinate Bench in the judgments cited supra.

9. On the point of locus standi of the Petitioner to file Petition, it is not in dispute that he is member of the society and is the complainant on whose complaint the actions impugned were taken. Thus, it cannot be said that he has no locus standi to challenge the order impugned.

10. As far as contention of learned Counsel for contesting Respondent about order passed in Writ Petition bearing No. 7144/2021

is concerned, the said order shows that the petition was withdrawn by Petitioner therein for filing revision under Section 154. Perusal of the said order indicates that on the basis of objection raised by the learned AGP, withdrawal of the petition was sought. This is not a case wherein the Court has passed any order on merit holding that the revision would be maintainable against the report under Section 84 of the Act. This Court, therefore, finds no substance in the contention of the contesting Respondent made about the Revision being maintainable against the inquiry report under Section 89 of the Act, in view of order passed in the said Petition.

11. Considering the aforestated discussion and in view of position of law settled by this Court in judgments cited supra, impugned order cannot sustain and hence, deserves to be set aside.

12. Consequently, impugned order is set aside. Petition stands allowed.

(R. M. JOSHI, J.)

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