

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4243 OF 2025

Sunil Jabarchand Modi .. Petitioner
Vs.
District Deputy Registrar of
Co-operative Societies, Kolhapur and Ors. .. Respondents

Mr. Sangramsingh R. Bhonsle (through V.C.) with Mr. Siddharth A. Mehta, Ms. Nrupal Dingankar, Ms. Pushkara Bhonsle, Ms. Harshada Shrikhande, Mr. Vaibhav Kaushik, Mr. Naman Shestra and Mr. Sanmitra Pol, Advocates for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader with Smt. P.J. Gavhane, Assistant Government Pleader for Respondent No.1.

Mr. C.G. Patil with Mr. Bhushan Jadhav, Advocates for Respondent No.3.

CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ

DATE : 17TH APRIL 2025.

[*THROUGH HYBRID HEARING*]

PC. :

1. We have heard the learned counsel for the parties and we have perused the documents on record.

2. Pursuant to a Demand Notice dated 13th February 2025 issued to the Petitioner calling upon him to pay an amount of Rs.72,36,633/-, the Petitioner has filed a Revision Application before the Divisional Joint Registrar, Co-operative Societies under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (*for short, "Act of 1960"*). These proceedings

are presently pending. The petitioner is facing disqualification proceedings under Section 73CA of the Act of 1960, the same having been initiated by the Respondent no.3 herein. It is the grievance of the Petitioner that these proceedings under Section 73CA are being decided without awaiting the outcome of the proceedings initiated by the Petitioner for challenging the recovery of amounts from him. On 7th April 2025, the District Deputy Registrar has closed the proceedings under Section 73CA for passing orders.

3. Without entering into the merits of the rival submissions, it is seen that the Petitioner has not yet filed any reply to the application filed under Section 73CA of the Act of 1960. In our view, an opportunity to do so can be granted to enable these proceedings to be considered and decided on merits. At the same time, the Petitioner has also made a prayer for interim relief in the Revision Application preferred by him before the Divisional Joint Registrar.

4. In these facts, the following directions would serve the ends of justice :-

- (i) The petitioner shall, within a period of one week from today, file his reply to the application filed under Section 73CA of the Act of 1960 by the Respondent No.3.

- (ii) If such reply is filed, the said proceedings shall be considered and decided on their own merits and in accordance with law, within a period of three months from receipt of copy of this order.
- (iii) It is open for the Petitioner to seek appropriate interim relief in the Revision Application preferred by him under Section 154 of the Act of 1960. If such prayer is made, the interim application shall be decided in accordance with law within a period of three weeks from receipt of copy of this order.

5. Keeping all contentions on merits open, the writ petition is disposed of with aforesaid directions.

6. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]