

Shabnoor

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

**WRIT PETITION NO.4205 OF 2017
WITH
WRIT PETITION NO.3489 OF 2017**

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AYUB
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M. R. Phadtare & Ors. ... Petitioners

V/s.

The Assistant Registrar
Co-operative Societies, Satara & Anr. ... Respondents

**WITH
WRIT PETITION NO.3437 OF 2017**

M. R. Phadtare & Ors. ... Petitioners

V/s.

Commissioner of
Co-operative Societies & Anr. ... Respondents

**WITH
WRIT PETITION NO.3380 OF 2017**

Kusum Rajaram Suryawanshi & Ors. ... Petitioners

V/s.

The Assistant Registrar
Co-operative Societies, Satara & Anr. ... Respondents

Mr. Amitkumar D. Sale, for petitioners in all WPs.

Mr. Bapusaheb B. Dahiphale, AGP for State –
respondent.

Mr. Prithviraj S. Gole for respondent Official Liquidator
in all WPs.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 7, 2025

P.C.:

1. The certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 is challenged in all these petitions under Article 226 of the Constitution of India. It is further contended that the said certificate is beset with substantive and procedural irregularities, which, if substantiated, would vitiate its legal validity.
2. The full bench of this Court in the case of *Shireen Sami Gadiali And Vs. Spenta Cooperative HSG Soc. Ltd.* [2011 (3) AIR Bom R 594] held that a revision application under Section 154 of the Maharashtra Co-operative Societies Act, 1960 is available to an aggrieved party as a matter of right. It is further observed that the facts of the instant case do not fall squarely within any of the three exceptions delineated by the Hon'ble Supreme Court in *Whirlpool Corporation v. Registrar of Trademarks, Mumbai* [(1998) 8 SCC 1]. In light of the established jurisprudence, it is evident that the statutory remedy of revision has not been pursued by the petitioners, and therefore, the present petition is devoid of any prima facie jurisdictional or substantive merit, warranting its non-admission before this Court.
3. Notwithstanding the foregoing, it is hereby clarified that the petitioners remain at liberty to avail themselves of the remedial mechanism provided under Section 154 of the Maharashtra Co-operative Societies Act, 1960. For the avoidance of doubt, the option to seek redress by directly approaching the Revisional Authority is open, provided that the requisite procedural

formalities are duly complied with.

4. All contentions raised by the petitioners in these petitions are hereby preserved and shall remain open for further elaboration and argument before the Revisional Authority.

5. For the purpose of evaluating any alleged delay in filing the revision application, the time expended in prosecuting the instant petitions shall be excluded.

6. All the petitions stand disposed of in above terms. No order as to costs.

7. Pending interim application(s), if any, stands disposed of.

(AMIT BORKAR, J.)