

VRJ

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

WRIT PETITION NO.15771 OF 2024

VAIBHAV
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Sunita Sanjay Patil ... Petitioner

V/s.

Hanuman Vikas Seva Santha
Maryadit, Through Its Chairman, & Ors. ... Respondents

WITH

WRIT PETITION NO.15770 OF 2024

Sanjay Vasant Patil ... Petitioner

V/s.

Hanuman Vikas Seva Santha
Maryadit, Through Its Chairman, & Ors. ... Respondents

Mr. Dheeraj Patil for the petitioner.

V. N. Rankhambe for respondent No.1.

Mr. J. P. Patil, AGP for the State-respondent Nos.3 and
4.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : DECEMBER 11, 2025

P.C.:

1. Present writ petitions take exception to orders dated 21st March 2024 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur, in Revision Application No.121 of 2023 and Revision Application No.119 of 2023.

2. Mr. Patil, learned advocate appearing for petitioners, submits that petitioners had filed revision applications under Section 154 of Maharashtra Co-operative Societies (MCS) Act, 1960, thereby challenging orders issuing recovery certificates under Section 101 of Maharashtra Co-operative Societies Act, 1960. There was a delay of about 3 years and 9 months in filing revision applications. Eventually, separate applications for condonation of delay were filed. Learned Divisional Joint Registrar, Cooperative Societies, Kolhapur, rejected revision applications as well as delay-condonation applications, observing that petitioners had failed to comply with Section 154(2A) requiring pre-deposit of 50% of the disputed amount shown in recovery certificates. He submits that as long as petitioners' applications for condonation of delay were not decided, mandate under Section 154(2A) could not have been insisted upon. In support of his contention, he relies upon the observations of this Court in case of *Dilawar Hakim Shah vs. Special Recovery Officer, Chiplun Urban Co-operative Bank Ltd. & Ors.* reported in 2006 (3) Mh.L.J. 256.

3. Mr. Rankhambe, learned advocate appearing for respondent, vehemently opposes writ petitions. He submits that petitioners

were under an obligation to comply with the mandate requiring 50% pre-deposit of the disputed amount while filing revision applications against orders issuing the recovery certificates under Section 101. He would therefore urge that revision applications themselves have been decided under impugned orders. The petitioners are protracting proceedings by adopting dilatory tactics. Hence, he seeks dismissal of writ petitions.

4. Having considered submissions advanced, it can be observed that there is no dispute that petitioners had filed revision applications under Section 154 of Maharashtra Co-operative Societies Act, 1960, along with applications to condone delay. There was delay of 3 years and 9 months caused in filing revision applications. It is not disputed before this Court that the applications for condonation of delay were not decided by Divisional Joint Registrar, and impugned orders are passed in revision applications without considering merits. In aforesaid background, following observations of this Court in case of ***Dilawar Hakim Shah*** (supra) would be applicable :

“7. ... Undoubtedly, therefore, because the application for condonation of delay is filed along with the appeal, it cannot be said that bar of sub-section (2A) applies even for

considering the application for condonation of delay. The statutory scheme of section 154 is clear. It firstly requires a party to show sufficient cause for preferring the revision beyond the prescribed period and empowers the Registrar to entertain the revision only after sufficient cause is shown. The revision can be said to have been received along with the application for condonation of delay, but is not entertained until the delay is condoned as required by sub-section (3) itself. The bar of sub-section (2A) applied to the entertainment of a revision unless the applicant deposits 50% of the total amount of recoverable dues. It is clear that it cannot be said that the revision is entertained unless the delay in filing it is condoned and by making out sufficient cause.”

5. In light of aforesaid observations, it is clear that when an application for condonation of delay is filed along with a revision application, it is necessary for revision applicant to show sufficient cause for filing revision application beyond prescribed period, and only thereafter revision application can be entertained. Unless and until delay is condoned as required under sub-section (3) of Section 154 of Maharashtra Co-operative Societies Act, 1960, bar contemplated under Section 154(2A) would not apply. In this background, impugned orders cannot be sustained in law and are therefore quashed and set aside.
6. The matters are relegated back to learned Divisional Joint Registrar, Cooperative Societies, Kolhapur, who shall first decide

petitioners' applications seeking condonation of delay, and, in case the delay is condoned, consider mandate under sub-section (2A) of Section 154 before entertaining the revision applications.

7. Parties to appear before learned Divisional Joint Registrar, Cooperative Societies, Kolhapur, on 5th January 2026.

8. On appearance of parties, Divisional Joint Registrar, Cooperative Societies, Kolhapur shall endeavour to decide applications for condonation of delay within a period of two months from date of appearance of parties.

9. The writ petitions stand disposed of in aforesaid terms.

10. Pending interlocutory application(s), if any, stand disposed of.

(S. G. CHAPALGAONKAR, J.)