

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

WRIT PETITION NO.3418 OF 2024

Jijau CHS Ltd.

....Petitioner

V/S

Subhash Maruti Thorat & Ors.

....Respondents

Mr. Ashutosh M. Kulkarni i/b Mr. Sachin Hande *for the Petitioner.*

Mr. Vagish Mishra i/b Mr. Rajuram Keleriya *for Respondent No.1.*

Ms. Deepa Punde i/b Mr. Sachin Punde *for Respondent Nos.2 to 4.*

Ms. Dhruti Kapadia, AGP *for Respondent Nos.5 and 6 / State.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 17 MARCH 2025.**

P.C.:

Perusal of the submissions made by Respondent No.1 before the Hon'ble Minister (Co-operation) in Revision filed under provisions of Section 154 of the Maharashtra Co-operative Societies Act, 1960 would clearly indicate that Respondent No.1 possesses several records relating to the building. He submitted before the Hon'ble Minister that after completion of the project he is willing to handover entire records to the Society. It appears that the Society has been registered in the year 2003 by which

time construction of the building was apparently complete. After completion of the building and formation of the Society it appears that Respondent No.1, in addition to his role as a Developer also assumed the position of Chairman of the Society. In his twin capacities as Developer and Chairman apparently Respondent No.1 withheld several documents relating to the building, possibly with a view to exploit the alleged balance FSI potential of the plot. Despite passage of 23 long years from formation of the Society, Respondent No.1 is apparently withholding several documents relating to the building under a sanguine hope that he can continue exploiting development potential in respect of the plot. Respondent No.1 has clearly admitted possession of records relating to the building during the course of submissions made before the Hon'ble Minister. It is therefore appropriate that the Respondent No.1 forthwith hands over the entire records relating to the building of the Society to show his bonafides. Accordingly within two weeks from today, Respondent No.1 shall handover the entire records relating to the building of the Society to the Petitioner-Society. List the Petition for further consideration 'high on board' on **15 April 2025**.

(SANDEEP V. MARNE, J.)

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by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
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