

AGK

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

WRIT PETITION NO.4600 OF 2024

Vilas Gopal Dongare

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

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GANESH
KULKARNI

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Dr. Uday P. Warunjikar i/by Mr. Sumit Kate and Ms.
Sonali R. Chavan for the petitioner.

Mr. Ketan Joshi, 'B' Panel with Ms. Aloka Nadkarni,
AGP for respondent Nos.1, 2, & 4-State.

Ms. Anita Castellino with Mr. Kevin Gala, Krupa Shah
and Vishal Jaywant i/by Mehul Thakkar for respondent
No.3.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 13, 2025

P.C.:

1. The writ petition arises from proceedings under Section 101 of the Maharashtra Cooperative Societies Act, 1960. This provision permits a summary recovery. Even in such summary jurisdiction, the authority must examine the material placed before it with care. The order must show that the authority has applied its mind to the core issue.

2. In the earlier round in Revision Application No.110 of 2012, the Revisional Authority noted a clear stand taken by the petitioner. The petitioner had asserted repayment of Rs.35,000 as principal. The petitioner had further relied on the society's communication dated 30 June 1987 stating that no dues remained.

These were factual assertions. They went to the root of the claim. The Revisional Authority found that the First Authority had not examined this aspect. The Revisional Authority, therefore, directed the Deputy Registrar by order dated 1 January 2015 to consider this issue. The direction was specific. It required a focused inquiry on repayment and the effect of the communication dated 30 June 1987.

3. Despite such clear direction, the Deputy Registrar issued the certificate on 7 January 2016 without addressing this fundamental point. The order does not show any discussion on repayment. It does not deal with the communication said to have been issued by the society. This amounts to non-compliance with a binding direction. The Revisional Authority then dismissed the revision by recording, in one sentence, that the Deputy Registrar had considered the issue. This finding is not borne out by the record. It is incorrect on facts.

4. After examining both orders, I find that the direction dated 1 January 2015 has not been complied with. The Deputy Registrar was bound to adjudicate the point. The Revisional Authority was bound to verify the compliance. Neither has done so. Such approach defeats the purpose of the earlier remand. It leaves the core issue unanswered. It also places the petitioner in repeated and needless litigation.

5. In these circumstances, the orders passed by both authorities cannot stand. They are unsustainable because they rest on a failure to consider the issue which the Revisional Authority had already

identified as essential.

6. The matter is therefore remitted to the Deputy Registrar, Cooperative Societies, Dombivli. He shall adjudicate afresh on the limited point directed in the order dated 1 January 2015 in Revision Application No.110 of 2012. He shall examine the plea of repayment. He shall consider the effect of the communication dated 30 June 1987. He shall pass a reasoned order after giving due opportunity to both sides.

7. The Registrar shall decide the application as expeditiously as possible.

8. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)