

AGK

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

WRIT PETITION NO.908 OF 2024

Prakash Ramchandra Munankar ... Petitioner

V/s.

Ornet Blossom Coop. Housing Soc.
Ltd., through it's Chairman/Secretary
& Anr. ... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.11.10
20:01:32 +0530

Mr. Balasaheb Deshmukh for the petitioner.

Mrs. P.J. Gavhane, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 10, 2025

P.C.:

1. This writ petition challenges the action taken under Section 101 read with Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960. By order dated 20 September 2019, the Registrar partly allowed the claim filed by the society. The society was not satisfied and therefore filed a revision under Section 154 of the Act. The Revisional Authority examined the matter. It set aside the certificate issued by the Registrar. It then sent the dispute back to the Registrar for a fresh decision. The Revisional Authority recorded that the earlier adjudication was incomplete and required proper consideration of material on record.

2. The office note confirms that respondent No.1 society has been served with notice of this writ petition. Even after service of notice, no one appears on behalf of respondent No.1. The Court

proceeds on the basis that the respondent has chosen not to contest the matter.

3. On reading the revisional order, I find that the reasons given in support of the remand are unclear. The order does not show what material or issue persuaded the Revisional Authority to interfere. When a higher authority sets aside an order and sends it back for a fresh decision, it must record clear findings. It must point out what part of the earlier adjudication was defective. It must also identify what point remained undecided.

4. In the present case, the Revisional Authority did not specify any such point. It did not state which issue remained pending before the Registrar under Section 101 of the Maharashtra Cooperative Societies Act. It did not refer to any document or evidence that required reconsideration. It recorded no finding to show that the Registrar had failed to decide any essential claim.

5. When an order lacks clear reasoning, the parties do not understand why the matter has been sent back. A remand affects the rights of parties. It delays the final outcome. Therefore, the authority must record findings that justify such remand. In the absence of such findings, the Revisional Authority could not have remitted the proceedings back to the Registrar under Section 101 of the Act.

6. Hence, the impugned order is quashed and set aside.

7. Revision Application No.63 of 2019 is restored to the file of the District Deputy Registrar, Cooperative Societies, Mumbai for decision afresh in accordance with law.

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

(AMIT BORKAR, J.)