

Jvs.

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

**WRIT PETITION NO. 1744 OF 2025
WITH
INTERIM APPLICATION NO. 737 OF 2025**

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Rashmee Sanjay Varma	}	Petitioner
Versus		
Dy. Registrar, Co.Op. Hsg. Soc.	}	
& Ors.	}	Respondents

Mr. Jitendra S. Mishra with Mr. Dharmendra S. Mishra for petitioner.

Ms. Neha Bhide, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader and Ms. G. R. Raghuwanshi, AGP for State.

Mr. Amit Padwal i/b. M/s. Utangale & Co. for respondent no. 2.

**CORAM: ALOK ARADHE, CJ. &
ARIF S. DOCTOR, J.**

DATE: FEBRUARY 17, 2025

ORDER: (Per Chief Justice)

- 1.** Heard learned counsel for the parties.
- 2.** Rule. With the consent of learned counsel for the parties, Rule is made returnable forthwith and heard finally.
- 3.** In this petition, the petitioner has assailed the validity of the order dated 31st May 2024 passed by the Deputy Registrar, Co-operative Societies, Mumbai in Revision Application No. 74 of 2023, by which, the revision application preferred by the petitioner has been rejected on the ground that the petitioner is not party to the recovery certificate dated 2nd June 2016.

4. Section 154 of the Maharashtra Co-operative Societies Act, 1960 is reproduced below for the facility of reference:

"154. Revisionary powers of State Government and Registrar

- (1) *The State Government or the Registrar, suo motu or on an application, may call for and examine the record of any inquiry or proceedings of any matter, other than those referred to in sub-section (9) of section 149, where any decision or order has been passed by any subordinate officer, and no appeal lies against such decision or order for the purpose of satisfying themselves as to the legality or propriety of any such decision or order, and as to the regularity of such proceedings. If in any case, it appears to the State Government or the Registrar, that any decision or order so called for should be modified, annulled or reversed, the State Government or the Registrar, as the case may be, may, after giving the person affected thereby an opportunity of being heard, pass such orders thereon as to it or him may seem just.*
- (2) *Under this section, the revision shall lie to the State Government if the decision or order is passed by the Registrar, the Additional Registrar or a Joint Registrar and to the Registrar if passed by any other officer.*
- (2A) *No application for revision shall be entertained against the recovery certificate issued by the Registrar under section 101 [or section 154B-29] unless the applicant deposits with the concerned society, fifty per cent. amount of the total amount of recoverable dues. If the revision application is allowed, the Revisional Authority may pass an order directing the society to refund the amount so deposited to the applicant:*

Provided that in case of such revision where revisional authority has granted a stay to the recovery of dues, the authority shall as far as may be practicable, dispose of such revision application as expeditiously as possible but not later than six months from the date of the first order.

(3) No application for revision shall be entertained, if made after two months of the date of communication of the decision or order. The revisional authority may entertain any such application made after such period, if the applicant satisfies it that he had sufficient cause for not making the application within such period.

(3A) The revisional authority, in order to prevent the ends of justice being defeated, may pass such interim orders including order of stay against the impugned order, pending the decision and final hearing of the Revision application:

Provided that, if any interim order has been passed by the revisional authority without hearing the other side, the revisional authority shall decide such application within a period of three months and pass the necessary orders on merits after giving an opportunity of being heard and for the reasons to be recorded in writing.

(4) The State Government may, by order, direct that the powers conferred on it by this section shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised also by an officer of the rank of Secretary to Government".

5. Thus, from a perusal of section 154 of the Maharashtra Co-operative Act, 1960, it is evident that any person aggrieved can prefer a revision application before the revisional authority.

Therefore, the order dated 31st May 2024 cannot be sustained in the eyes of law. It is, accordingly, quashed and the matter is remanded back to the Deputy Registrar with a direction to decide the revision application preferred by the petitioner after affording opportunity of hearing to the parties.

6. With the aforesaid direction, the writ petition is disposed of.

7. In view of the aforesaid, the interim application also stands disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)