

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5748 OF 2024

Safia Ajaz Shah And Ors.

...Petitioners

V/s.

The Deputy Registrar Of Co-Op.
Societies And Ors.

...Respondents

Mr. V. L. Singh *for the Petitioners.*

Mr. J. P. Patil, *AGP for Respondent Nos.1 and 2-State.*

Mr. Rohan Mahadik *with Ms. Rachna Karad, Ms. Mekhala More i /b The Juris Partners for Respondent No.3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 3 March 2025.

P.C. :

1) The Petition challenges order dated 21 February 2023, passed by the Divisional Joint Registrar, rejecting Revision Application No. 95 of 2023 and confirming the order dated 31 July 2023 passed by the Deputy Registrar, under provisions of Section 75(2A)(4) of the Maharashtra Co-Operative Societies Act. It appears that a separate order under provisions of Section 77(A) of the Act was passed on 9 August 2024, appointing Administrator to look after day to day affairs of the society.

Appeal filed against order dated 9 August 2023 is rejected by the Divisional Joint Registrar by order dated 21 February 2024 which is also subject matter of challenge in the present Petition.

2) I have heard Mr. Singh, learned counsel appearing for the Petitioners, Mr. Mahadik, learned counsel appearing for the Respondent No.3 and Mr. Patil, learned AGP appearing for the Respondent-State.

3) It appears that the very locus of the Respondent No.3, the complainant, to maintain the complaint is questionable. He filed a complaint on 28 May 2023, whereas he had executed an Agreement for Sale dated 2 February 2023 in respect of his Shop No.7. It is now sought to be suggested that the entire shop is not sold but only portion of the shop is sold and accordingly reliance is sought to be placed on alleged rectification deed dated 24 August 2015. Except Shop No.7, there appears to be no other premises in the name of the Respondent No.3 in the society's building. For the purpose of present inquiry, it is not necessary to delve deeper into the issue of complete or partial sale of Shop No.7. Suffice it to observe that locus of the Respondent No.3 to maintain complaint against the Managing Committee of the society was itself doubtful.

4) Coming to the merits of the case, it is seen that the Petitioners are disqualified essentially on account of failure to

place the rectification report before Annual General Body Meeting of the society.

5) Considering the questionable locus of the Respondent No.3 as well as the nature of lapses committed by the Petitioners, ends of justice would meet if the period of disqualification in respect of the Petitioners is brought down from five years to one year.

6) I accordingly proceed to pass the following order :

ORDER

- (i) Order dated 31 July 2023 passed by the Deputy Registrar is modified to the extent that the period of disqualification of the Petitioners shall be for one year from 31 July 2023.
- (ii) The Administrator appointed vide order dated 9 August 2023 shall forthwith conduct elections to the managing committee of the society in which the Petitioner shall be permitted to participate.

7) The Writ Petition is accordingly **disposed of**. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]