

MPB

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

WRIT PETITION NO. 6545 OF 2024

M/S Ace Business Form Pvt Ltd
Thorough director Shashi R
Sharma

... Petitioner

V/s.

Deputy Registrar K East Ward
Cooperative Societies and Ors.

... Respondents

WITH

WRIT PETITION NO. 6552 OF 2024

Late Shantidevi Sharma since Decd. Thr.
LRS Shashi R. Sharma

... Petitioner

V/s.

Deputy Registrar K East Ward
Cooperative Societies and Ors.

... Respondents

WITH

WRIT PETITION NO. 6554 OF 2024

Shashi R Sharma

... Petitioner

V/s.

Deputy Registrar K East Ward
Cooperative Societies and Ors.

... Respondents

WITH

WRIT PETITION NO. 6553 OF 2024

Rita Shashi Sharma

... Petitioner

V/s.

Deputy Registrar K East Ward
Cooperative Societies and Ors.

... Respondents

Mr. Prashant P. Kulkarni for the petitioner along with Ms. Ritika Rajeev.

Mr. Vinod P. Sangvikar along with Shubham Sonawade i/by Mr. Anil Wani for respondent No. 2.

Smt. V.S.Nimbalkar, AGP for respondent Nos. 1 to 3 – State in W.P. 6545 of 2024.

Smt. P.J.Gavhane, AGP for respondent Nos. 1 to 3 – State in W.P. 6552 of 2024.

Mr. R.S.Pawar, AGP for respondent Nos. 1 to 3 – State in W.P. 6554 of 2024.

Mr. P.G.Sawant, AGP for respondent Nos. 1 to 3 – State in W.P. 6553 of 2024.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 26, 2025

P.C.:

1. These petitions arise from proceedings initiated under Section 101 of the Maharashtra Co operative Societies Act, 1960. The nature of power exercised under Section 101 is quasi judicial. The authority is required to examine the claim of the society and the defence raised by the member in a fair and reasoned manner. The certificate issued under Section 101 carries the force of a decree. The satisfaction recorded must therefore reflect due consideration of the material placed by both sides.

2. The record shows that the petitioner had raised a serious dispute about the correctness of the maintenance charges even before the society initiated proceedings under Section 101. In the reply filed before the Registrar, the petitioner placed a detailed

defence on the calculation of maintenance. The defence has been stated in paragraphs 3 to 10 of the reply. The defence was specific. It invited the Registrar to examine the basis of the charges claimed. The Registrar issued the certificate without dealing with this defence. The order contains no reasoning on the calculation placed by the petitioner. When an authority exercises adjudicatory power, it must apply its mind to the material defence. If the defence raises a point that goes to the root of quantification, the authority must return a finding on that point. Absence of such an exercise affects the legality of the certificate.

3. This Court in *Pimpri Chinchwad Sahakari Bank Maryadit and another versus Arun Namdeo Pote and others, Writ Petition No. 8728 of 2022 decided on 21 November 2025*, has stated the requirements for adjudication under Section 101. The Court held that the Registrar must give the member a fair opportunity to place the defence. The Registrar must examine the society's claim and the member's objection. A speaking order must follow. These parameters ensure that the statutory power is exercised fairly.

4. The present case shows that the Registrar followed the broad procedure prescribed. Notice was issued. Reply was received. The Registrar considered the claim of the society. However, the defence on the calculation of maintenance has not been adjudicated. The petitioner accepts liability to pay maintenance. The only issue is the correctness of the amount. In such a situation, interest of justice requires a reconsideration. A remand will allow the authority to examine the rival calculations. Both parties shall present fresh statements of calculation before the Registrar. The

Registrar shall consider the claim of the society and the defence of the petitioner. The authority shall record a clear finding on the figures.

5. The parties shall remain present before the Deputy Registrar, K East Ward, Cooperative Societies, Wadala (East) on 8 December 2025 at 10.30 a.m. The Deputy Registrar shall grant both sides adequate opportunity to place material on the point of calculation.

6. The Deputy Registrar shall decide the dispute within eight weeks from the date the parties appear. The authority shall pass a reasoned order after considering the contentions of both sides and the material placed before it.

7. All the above petitions are disposed of. No costs.

(AMIT BORKAR, J.)