

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 9250 OF 2024**

Sudhir Agarwal

... **Petitioner**

**Versus**

The Divisional Joint Registrar, Co-Operative

Societies, (Mumbai Division) & Ors.

... **Respondents**

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**Mr. Mohit Bhardwaj** *a/w Arwa Lunawala for the Petitioner.*

**Mr. Ajit Anekar** *a/w Mr. Siddhant Sawhney i/b Auris Legal for Respondent Nos. 4 to 10 and 13.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATE : 8 JANUARY 2025.**

**P.C. :**

1) The Petition challenges Order dated 24 May 2024 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai allowing the Revision Application No. 133 of 2024 filed by Respondent Nos. 4, 5 and 6 as well as dismissing Revision Application No. 119 of 2024 filed by the Petitioner seeking disqualification of Respondent Nos. 7 to 16.

2) I have heard the learned counsel appearing for the parties and have considered the submissions canvassed by him.

3) After having heard the learned counsel appearing for parties, there appears some resistance on the part of the Managing

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Committee of the Society to issue share certificate to some of the members. The records indicate that the shares certificates are ultimately issued only after repeated orders were issued by the Deputy Registrar under provisions of Section 22(2) and Section 154B-27 of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**) for issuance of share certificate. To illustrate *qua* Mr. Mohit Bhardwaj, Order dated 1 November 2021 was passed under provisions of sub-Section 1 of Section 154B-27 directing acceptance of his membership and for issuance of share certificate to him. The said order was apparently not obeyed, which led to issuance of order under Sub-Section 2 of Section 154B-27 of the Act on 28 March 2022. It is only after the Managing Committee was threatened with the consequences that it ultimately started issuing share certificates to some of the members.

4) However, at the same time, the position that obtains now is that out of the total 1453 flats, share certificates are already issued to 1038 members. Share certificates in respect of 35 members are with the society on account of loans secured by them and few share certificates are not collected by the members. Thus the issue of the admission of members to the society and issuance of share certificate is more or less resolved. In respect of 12 flat owners, who are yet to be admitted to the membership of the society, Mr. Anekar, the learned counsel appearing for Respondent Nos. 4 to 10 and 13 would submit that share certificates would be issued to them the moment they complete all formalities for their admission to the membership of the society.

5) There is yet another reason why I am not inclined to entertain the present Petition. The present Petition is filed by

Mr. Sudhir Agarwal, who has long since issued the share certificate. *Qua* Shri. Sudhir Agarwal apparently no order was passed under provisions of Section 154B-27. Therefore based on application of the Petitioner, it is highly doubtful as to whether disqualification proceedings could have been entertained by the Deputy Registrar.

6) Considering that developments that have occurred in the present case where most of the members are already issued share certificates and willingness is expressed on the part of Managing Committee of the Society to issue share certificates to every members who completes their formalities, I am not inclined to interfere in the order dated 24 May 2024 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai.

7) Mr. Bharadwaj, the learned counsel appearing for the Petitioner, on instructions fairly concedes to the position that on account of admission of most of the members to the membership of the society as well as issuance of the share certificates to them, the Petitioner shall not pursue the Petition any further.

8) In that view of the matter, the Writ Petition is **disposed of**.

**[SANDEEP V. MARNE, J.]**