

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11300 OF 2024

Rakesh Shah and Ors.

...Petitioners

V/s.

Divisional Joint Registrar Co-
operative Societies, Mumbai
Division and Ors.

...Respondents

Mr. Simil Purohit, Senior Advocate with Mr. Pratik Shah with
Ms. Mamta Tiwari for the Petitioners.

Mr. Bhavesh Parmar with Mr. Vivekanand Aakshadi i/b.
Devmani Shukal for Respondent No.2.

Mr. R.S. Pawar, AGP for Respondent -State.

CORAM : SANDEEP V. MARNE, J.

Dated : 4 March 2025.

P.C. :

1) There is alternate remedy of filing revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**) against the impugned order passed by the Divisional Joint Registrar on 30 April 2024. It is the case of the Petitioners that clause (m) of Section 146 of the MCS Act can be invoked only in case of failure to comply with final award made by Co-operative Court under Section 96 of the MCS Act. It is contended that

dispute before the Co-operative Court is still pending and final award under Section 96 is yet to be made. So far as clause (m) of Section 146 of the MCS Act is concerned, it is submitted that there is no finding by the Divisional Joint Registrar of willful filing of false returns, furnishing of false information or failure to maintain proper account. So far as clause (p) of Section 146 of the MCS Act is concerned, it is submitted that no case is made out for invocation of clause (p) of Section 146.

2) I am sure, all these points can be raised before the Hon'ble Minister in the revision application. This Court has already granted interim protection in favour of the Petitioners by order dated 12 August 2024. The same can be continued during pendency of revision application before the Hon'ble Minister. Accordingly, Petitioner would be at liberty to file revision application before the Hon'ble Minister under Section 154 of the MCS Act, which shall be decided on its own merits. All contentions of parties on merits are expressly kept open. During pendency of revision application, before the Hon'ble Minister, interim order granted by this Court on 12 August 2024 shall continue to operate.

3) With the above directions, Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]