

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

CIVIL WRIT PETITION NO. 13432 OF 2024

M/s. Lambason Hotel And Restaurant Services ..Petitioner
Pvt. Ltd.

Versus

District Deputy Registrar-1 Co-Op Soc. Mumbai & ..Respondents
Ors.

ATUL
GANESH
KULKARNI

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Mr. Chaitanya Nikte a/w. Swapnil Sangle i/b. Prajit Sahane for
Petitioner.

Mrs. V. S. Nimbalkar, AGP for State/ Respondent Nos.1,2 & 4.
Mr. Prashant P. Kulkarni for Respondent No.3.

CORAM : AMIT BORKAR, J.
DATE : 04 DECEMBER 2025

PC :

1. The petitioner questions the certificate issued under Section 154B-29 of the Maharashtra Cooperative Societies Act. His grievance is simple. He states that he was never served with notice of the proceedings. He asserts that the authority proceeded behind his back. He therefore seeks to set aside the certificate on the ground that the order violates principles of natural justice.

2. I have examined the original record. The Deputy Registrar has placed no material to show that notice was issued or served on the petitioner. There is no acknowledgment. There is no

report of service. There is no contemporaneous record that can satisfy the conscience of the Court that the party was given an opportunity to be heard. Service of notice is the foundation of every adjudicatory act. If the person affected is not informed, he cannot defend himself. Any order passed in such circumstances becomes legally fragile. The order then fails on the touchstone of natural justice. It is settled that when the statute confers power to impose civil consequences, the authority must follow fair procedure. In the present case, absence of service vitiates the certificate dated 17 October 2022 issued under Section 154B-29. It cannot be allowed to stand.

3. The certificate issued by the Deputy Registrar and the order of the revisional authority confirming it are set aside.

4. The matter is remitted to the *Deputy Registrar*, Cooperative Societies, Mumbai. He shall conduct the proceedings afresh. He shall issue notice to both sides. He shall give reasonable opportunity to place material and advance submissions. He shall then decide the matter on its own merits.

5. Both parties shall appear before the *Deputy Registrar* on **15.12.2025 at 10:30 a.m.**

6. The *Deputy Registrar* shall decide the proceedings under Section 101 of the MCS Act within four weeks from the date the parties appear.

7. The amount deposited by the petitioner shall abide by the final outcome of the proceedings under Section 101 of the Act.

8. The petition is disposed of.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 7 January 2026 to carry out corrections in paragraphs 4, 5 and 6. The correction is shown in italicize.