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

WRIT PETITION NO.19127 OF 2024

The New Santacruz Annapurna
CHS., through Chairman/Secretary ... Petitioner
V/s.
Akhilesh Gupta & Ors. ... Respondents

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Mr. Kishor Patil with Mr. Pratik B. Rahade for the
petitioner.

Mr. Joel D'souza with Ms. Simran Shirvaikar and Mr.
Yatin N. Shah for respondent Nos.1 and 2.

Mr. P.V. Nelsonrajan, AGP for respondent Nos.3 and 5-
State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 16, 2025

P.C.:

1. The petitioner is a cooperative housing society. It has approached this Court challenging the order of the Registrar refusing to issue a recovery certificate under Section 101 of the Maharashtra Cooperative Societies Act, 1960. The Revisional Authority has confirmed the Registrar's refusal. The grievance of the petitioner is that the Registrar has declined to exercise powers vested in him under law and thereby failed to decide the dispute between the society and its member.

2. This Court, in *Saraf Kaskar Industrial Premises Cooperative Society Ltd. vs. District Deputy Registrar, Cooperative Societies & Anr.* (Writ Petition No. 14996 of 2024 and connected matters)

decided on 19 September 2025, has already examined the scope and extent of the powers of the Registrar under Section 101 of the MCS Act. In that decision, it was clarified that when a society seeks recovery of its dues from a member, the Registrar cannot refuse to adjudicate by treating the claim as a mere dispute or by directing the parties to other remedies. Section 101 creates a self-contained mechanism where the Registrar is bound to determine the liability after following due process. The Registrar has no authority to decline jurisdiction if the claim is supported by the society's records and falls within the statutory scheme.

3. In the present case, the refusal of the Registrar to issue a certificate amounts to failure to exercise jurisdiction vested by law. The Revisional Authority has merely endorsed that decision without proper application of mind. There is no material on record to suggest that the claim was beyond the purview of Section 101 or that the society was seeking enforcement of any right outside its scope. Hence, the refusal to adjudicate the claim is not supported by any credible evidence or reasoning.

4. For these reasons, both the orders dated 6 September 2023 passed by the District Deputy Registrar in Revision Application No. 67 of 2022 and the order dated 15 September 2022 passed by the Assistant Registrar cannot be sustained. They are therefore quashed and set aside.

5. The matter is remitted to the Assistant Registrar for fresh adjudication. He shall consider the claim of both sides on merits, by giving them full opportunity to produce documents and make

submissions. The decision shall be based strictly on the records of the society, the accounts maintained under the Act, and other credible evidence available before him.

6. Both parties shall remain present before the Assistant Registrar on 10 November 2025.

7. The Assistant Registrar shall complete the proceedings and pass a reasoned order within three months from the date of appearance of the parties.

8. The writ petition is accordingly disposed of in the above terms. No order as to costs.

(AMIT BORKAR, J.)