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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.19304 OF 2024

Rishabh Towers CHS Ltd., through it's
Chairman Sangeet Devraj Khajanchi ... Petitioner

V/s.

The Deputy Registrar, Coop. Societies
& Ors. ... Respondents

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Mr. Prashant P. Kulkarni with Ms. Rachna Mamnani for
the petitioner.

Ms. Aloka A. Nadkarni, AGP for the respondents-State.

Mr. Jas B. Vyas for respondent Nos.2 and 4.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 11, 2025

PC.:

1. **Rule.** Rule is made returnable forthwith.
2. By this writ petition under Article 227 of the Constitution of India, the petitioner-housing society has challenged the rejection of its application for issuance of certificate under Section 154-B(29) of the Maharashtra Cooperative Societies Act, 1960. The certificate was sought for recovery of maintenance charges from the defaulting member. The application has been rejected mainly on two grounds. First, that the resolution of the managing committee authorizing levy of maintenance charges lacked proper coram. Second, that the interest claimed by the society was not in accordance with Bye-Law 71 of the Model Bye-Laws.

3. In my considered view, the approach of the authorities under the Act cannot be sustained. Section 154-B(29) empowers the society to recover arrears of maintenance and charges through the machinery provided in the Act. If the authorities found that the society has demanded interest in excess of what is permitted under Bye-Law 71, they could have restricted the claim only to the extent permissible by law. The proper course was to issue certificate for the principal dues and interest as per the Bye-Laws. However, the authorities have rejected the application in toto, depriving the society even of the admitted maintenance dues. Such course of action is not contemplated by Section 154-B(29).

4. The further reasoning is that the Assistant Registrar while exercising jurisdiction under Section 154-B(29) cannot go into the validity or otherwise of the resolution passed by the managing committee. The said provision provides for a summary recovery mechanism and does not authorize the Registrar to adjudicate upon internal affairs or the legality of resolutions. If any member disputes the validity of resolution, an independent proceeding under the Act is available. Hence, the rejection of the application on this ground is clearly error of jurisdiction.

5. Therefore, the following order is passed:

- a) The impugned orders passed by the Deputy Registrar and the District Deputy Registrar are quashed and set aside.
- b) The application filed by the petitioner-society under Section 154-B(29) is restored to the file of the Deputy Registrar, G-North Ward.

c) The Deputy Registrar shall grant opportunity of hearing to both sides and thereafter decide the society's application strictly in accordance with law within a period of six months from the date of appearance of the parties.

d) The parties shall appear before the Deputy Registrar on 18 September 2025.

6. Accordingly, the writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)