

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12442 OF 2018
WITH
INTERIM APPLICATION NO.14944 OF 2024
IN
WRIT PETITION NO.12442 OF 2018

Mr. Hemal Vyas and ors. ... Petitioners

V/s.

The Hon'ble Minister
for Co-operation and ors. ... Respondents

*Mr. N. N. Bhadrashete i/by Mr. Abhijeet B. Desai, Advocates for the
Petitioners.*

Mr. Y. D. Patil, AGP for the State/the Respondents No.1 to 3 and 11.

Mr. Niraj G. Bidawatka, Advocate for the Respondents No. 9 and 10.

CORAM : SANDEEP V. MARNE, J.

Dated : 04 February, 2025.

PC. :

1. The Petition challenges order dated 6th September, 2017 passed by Minister (Co-operation) rejecting the Revision Application preferred by them and confirming the order dated 13th July, 2016 passed by the Divisional Joint Registrar dismissing Appeal No.108 of 2015.

2. I have heard Mr. N. N. Bhadrashete, learned counsel appearing for Petitioners and Mr. Niraj G. Bidawatka, learned counsel appearing for

Respondents No.9 and 10 and Mr. Y. D. Patil, learned AGP appearing for Respondents No.1 to 3 and 11.

3. Mr. Bhadrashete would submit that provisions of Sub-Rule (5) of Rule 72 of the Maharashtra Co-operative Societies Rules, 1961 mandate that the Registrar must record evidence of the society after framing of the charges and that in the present case the Registrar has failed to record such evidence on behalf of the society. However, perusal of the orders passed by the Divisional Joint Registrar as well as the learned Minister would indicate that this ground was not specifically raised either in the Appeal or in the Revision. Petitioners vaguely contended before the Appellate and Revisional Authority that procedure prescribed under Rule 72 and Section 88 has not been followed. There is no specific averment either in the Appeal or in the Revision that evidence on behalf of the society as required under provisions of Rule 72(5) has not been recorded or that non recording of such evidence has caused any prejudice to Petitioners.

4. Having not raised the plea of failure to record evidence on behalf of the society in their Appeal or Revision, the Petitioners cannot be permitted to canvas the said issue directly before this Court. I am therefore not inclined to interfere in the impugned orders passed concurrently holding Petitioners liable in respect of the losses suffered by the society.

5. Writ Petition is accordingly rejected.

6. In view of the rejection of the Writ Petition, the Interim Application also stands disposed of.

(SANDEEP V. MARNE, J.)