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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2132 OF 2025

Vijay S. Khandekar & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. G.N. Salunke i/by Mr. Amil L. Dhumal for the
petitioners.

Ms. Kavita N. Solunke, Additional G.P. for respondent
No.1-State.

Mr. G.H. Keluskar for respondent No.2.

Mr. Umesh Kurund for respondent No.4.

Mr. Vinay Kanodia with Mr. Shardul CJMT i/by Shivaji
Nirmale for respondent No.5.

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CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 18, 2025

P.C.:

1. **Rule.** Rule is made returnable forthwith.

2. The writ petition questions the order dated 6 October 2022 passed by the Assistant Registrar. By this order, the Assistant Registrar directed the petitioner to bear costs under Section 85 of the Maharashtra Cooperative Societies Act, 1960. The nature of the power under Section 85 requires careful scrutiny. It affects civil consequences. It must rest on a clear legal foundation. The reasons recorded must show that the authority applied its mind to the material on record.

3. Counsel for the petitioner placed reliance on the order passed by the Authorized Officer in the inquiry under Section 88. The Authorized Officer, after completing the statutory inquiry, issued an express direction that the costs recoverable under Section 83 shall be paid by the society. That order has reached finality. No challenge has been made to it.

4. Once the order under Section 88 becomes final, it binds all subordinate authorities acting under the Act. The Registrar while conducting proceedings under Section 85 had to respect the binding effect of that order. The authority could not reopen or alter the concluded position regarding liability for costs. The statute does not permit two conflicting determinations on the same subject between the same parties. If the Authorized Officer, in exercise of statutory power, held the society liable for costs, the petitioner could not be fastened with the same liability in a subsequent proceeding. Any departure from a binding order must be supported by cogent reasons. The impugned order provides none. The authority proceeded on a premise contrary to the record. This renders the order unsustainable.

5. For these reasons, the impugned order cannot stand. Rule is made absolute in terms of prayer clause (c).

6. No costs.

(AMIT BORKAR, J.)