

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3763 OF 2025

Sameer Dinkar Patil

... Petitioner

V/s.

The Special Recovery Officer
Om Sai Sahakari Co operative
Credit Society Ltd. & Anr.

... Respondents

Mr. G. N. Salunke a/w N. B. Khaire for the petitioner.

Mrs. Aloka A. Nadkarni, AGP for the State –
respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 12, 2025

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. By this petition under Article 227 of the Constitution of India, the petitioner has questioned the legality and propriety of the order passed by the Revisional Authority, whereby the revision preferred by the petitioner came to be rejected. The rejection was primarily on the ground that the petitioner had failed to comply with Section 154(2)(a) of the Maharashtra Co-operative Societies Act, 1960, at the stage of moving the application for condonation of delay.
3. The respondents have been duly served with notice of this petition. However, despite service, none has chosen to appear and contest the matter. The Court therefore proceeds to decide the

petition on the basis of the material available on record.

4. The reasoning adopted by the Revisional Authority cannot be sustained in law. It is now well settled that the requirement under Section 154(2)(a) of the Act is attracted only when the Revisional Authority proceeds to consider the revision on its merits. The object of this provision is to ensure that the party challenging the order does not evade its financial obligations while prosecuting the revision. However, this requirement does not extend to the stage where the authority is only called upon to decide whether sufficient cause exists to condone the delay in filing the revision. At that preliminary stage, the revision itself is not yet being entertained on merits. The insistence on compliance with Section 154(2)(a) even before the delay is condoned amounts to putting the cart before the horse, which the law does not require.

5. The learned Advocate appearing for the petitioner has further submitted that after issuance of the recovery certificate under Section 101 of the Act, the petitioner has deposited a substantial amount of Rs. 9,50,000/- till date. This conduct demonstrates bona fides on part of the petitioner and further militates against the reasoning of the Revisional Authority that compliance with Section 154(2)(a) was absent.

6. In the light of the above discussion, the impugned order dated 26 September 2024 passed by respondent No. 2 cannot be sustained in law and is accordingly quashed and set aside.

7. The Revisional Authority shall now consider the application for condonation of delay independently, uninfluenced by the

earlier reasoning. The Revisional Authority shall decide the said application on its own merits and in accordance with law.

8. Rule is made absolute in above terms.

9. The Writ Petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)