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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4006 OF 2025

Gokuldharm Coop. Housing Society
Ltd., through it's Secretary
Tanjua S. Kathane

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

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Mr. Vaibhav Ugle i/by Mr. Vikas Somawanshi and Mr.
Santosh Shukla for the petitioner.

Mrs. V.S. Nimbalkar, AGP for respondent No.1-State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 25, 2025

P.C.:

1. The petitioner/housing society is challenging orders passed by the Authorities under the provisions of the Maharashtra Cooperative Societies Act, 1960 directing society to issue share certificate in favour of respondent No.2, who is admittedly member of the petitioner-Society. According to the petitioner, original share certificate of respondent No.4 is lying with the developer as respondent No.4 has not cleared dues of the developer.

2. However, the society can issue duplicate share certificate in favour of respondent No.4. After the duplicate share certificate is

issued by the housing society, the issue between the developer and respondent No.4 can be independently resolved by both of them by adopting appropriate legal process as is permissible in law. However, nothing precludes the society from issuing duplicate certificate on a request made by a member of the housing society.

3. Hence, it is clarified that as per directions of this Court, the petitioner shall issue duplicate share certificate in favour of respondent No.4.

4. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)