

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 5070 OF 2025

Mathew D'Souza ..Petitioner
Versus
Deputy Registrar, Co-operative Societies & ..Respondents
Ors.

Mr. Joel D'Souza a/w. Ms. Simran Shirvoikar and Yatin N. Shah for
Petitioner.

Mrs. V. R. Raje, AGP for State/ Respondent Nos.1 & 2.

Mr. Prasad B. Kulkarni a/w. Sachin Dube for Respondent No.3.

CORAM : AMIT BORKAR, J.
DATE : 17 NOVEMBER 2025

PC :

1. These proceedings arise from an application under Section 101 of the Maharashtra Cooperative Societies Act. The society sought recovery of repair charges. The claim is supported by a resolution passed by the general body. The authorities invoked their statutory power on the basis of this resolution. The nature of the proceedings is summary. The authority examines whether the debt is due and whether the claim is supported by material recognized under the Act.

2. The petitioner asserts that the Chairman and his family members have misused the general body resolution. The petitioner

states that the resolution has been applied in a manner that is arbitrary. The petitioner says that the repairs undertaken benefit only the Chairman and his relatives. On this basis, the petitioner seeks to avoid liability. These allegations raise a dispute regarding the propriety and fairness of the resolution. Such questions go to the root of the resolution itself. They involve an inquiry into conduct, motive, and alleged misuse of authority.

3. There is no dispute that the repair demand flows from the general body resolution. Section 101 does not authorize the Registrar to examine the validity or propriety of the resolution. The scope of scrutiny under Section 101 is narrow. The authority determines whether there is a crystallized liability. The authority cannot sit in judgment over the correctness of a resolution approved by the general body. A challenge to the resolution must be raised before the cooperative court. Section 91 provides the statutory forum for such adjudication. Issues of mala fides, misuse of office, and unequal burden fall within that jurisdiction.

4. On these facts, the authorities acted within their jurisdiction in issuing the certificate under Section 101. The claim is founded on a subsisting resolution. It is not void on its face. The challenge raised by the petitioner cannot be entertained in Section 101 proceedings. The petitioner is free to pursue a substantive challenge before the competent court under Section 91. All grounds are kept open for adjudication in those proceedings.

5. The petition stands disposed of.

(AMIT BORKAR, J.)