

Shabnoor

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

WRIT PETITION NO.6080 OF 2025

SHABNOOR
AYUB
PATHAN

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Date: 2025.11.26
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NPS Developers (HUF) Through
Niraj P. Shah & Ors. ... Petitioners
V/s.
Ravindra Mathuraprasad Gupta & Ors. ... Respondents

Mr. Sachin Gite, for the Petitioners.

Mr. Sugandh Deshmukh a/w Mr. Aniket Kanawade,
Mr. Aryan Deshmukh, and Mr. Bhushan Deshmukh, for
Respondent Nos. 1 & 2.

Ms. M. S. Srivastava, AGP for the State – Respondent
Nos. 3 to 6.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 26, 2025

P.C.:

1. The petition arises from an order passed by the Appellate Authority under Section 152 of the Maharashtra Cooperative Societies Act, 1960 (“MCS Act”), against which the petitioners have an available statutory remedy of revision. The matter also involves factual issues i.e., whether the contesting respondents had accepted the amalgamation process and whether the appeal was barred by limitation. The respondents contend that they were unaware of the impugned order, making the question of limitation a factual issue requiring adjudication. Such factual determination must be undertaken by the Revisional Authority and cannot be examined in writ jurisdiction. Therefore, the petitioners must be

relegated to avail the statutory remedy.

2. The period spent in prosecuting the present petition shall be excluded while computing the limitation for filing the revision.
3. All contentions of both parties are kept open for adjudication before the Revisional Authority.
4. The petitioners shall be at liberty to file a revision application. If such a revision is filed, the Revisional Authority shall endeavor to decide it within three weeks from the date of filing.
5. The writ petition stands disposed of accordingly.
6. No costs.

(AMIT BORKAR, J.)