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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6188 OF 2025

Rupa Arvind Baghela ... Petitioner
V/s.
The Assistant Registrar, Coop.
Societies, E-Ward & Ors. ... Respondents

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Mr. Saurav Katkar with Mr. Shantanu Raktate and Mr.
Amar Parsekar for the petitioner.

Mr. Gaurav Sawant for respondent No.2.

Mrs. P.J. Gavhane, AGP for respondent Nos.1 & 5-State.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 18, 2025

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. The present petition questions the legality of a certificate issued under Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960. The challenge raises an important issue of adherence to the basic requirement of fair hearing. The proceeding must show that the affected party had a real chance to place his case.
3. The record and the roznama of the First Authority show that on the second date of hearing the petitioner did not remain present. On that very date the Authority closed the matter for orders. Such conduct does not reflect a fair opportunity. An

opportunity of hearing must be meaningful. The party must have a chance to explain the cause of absence and to place material. The haste shown by the Authority defeats this requirement. The impugned order therefore suffers from procedural infirmity and cannot stand.

4. The learned Advocate for the respondent society states that the petitioner refuses to pay maintenance because he is not a member. Section 154B-29 provides clear guidance. The legislature has empowered the society to recover maintenance from an occupant even if he is not a member. The section recognises the responsibility of every person who enjoys the premises. The right of the society to maintain its property flows from this provision. The petitioner cannot avoid this liability.

5. Even so, the impugned order cannot be upheld. The proceeding shows breach of natural justice. The petitioner has also complied with Section 154-2A of the Act. This strengthens the need for a fresh consideration.

6. The rule is made absolute in terms of prayer clause (a).

7. The matter is remitted to the Assistant Registrar, Cooperative Societies, E Ward, Mumbai. The authority shall take up the revision afresh.

8. The parties shall remain present before the Assistant Registrar on 24 November 2025 at 10.30 a.m.

9. The Assistant Registrar shall decide the application within three months from the date of appearance of the parties. The

authority shall pass a reasoned order based on the material placed before it.

10. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)