

Ashish

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

WRIT PETITION NO. 6748 OF 2025

Rishikesh Park Co Op. Hsg. Soc.
Federation Ltd and ors ... Petitioners

V/s.

The Divisional Joint Registrar of Co Op.
Soc. And ors ... Respondents

Mr. Aadil Parsurampuriah a/w Mr. Mehul Rathod i/b
Legal Vision, for Petitioners.

Mr. Bapusaheb Dahiphale, AGP for State- respondent
nos.1 and 2.

Mr. Arun Panickar, for respondent no.3.

Mr. Sahil Saiyed, for respondent no.5.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 16, 2025

P.C.:

1. The present petition challenges the order dated 30 April 2025 passed by the Appellate Authority. By the said order, the Appellate Authority set aside the Registration Certificate of the petitioner federation, which had been issued on 24 January 2018 under Section 9 of the Maharashtra Co-operative Societies Act, 1960.

2. The petitioner is a federation of housing societies, duly registered as a Co-operative Society on 24 January 2018. Respondent No.3 filed an appeal under Section 152 of the Act, bearing Appeal No.103 of 2025, challenging the said registration. Since the appeal was filed after a delay of more than seven years,

respondent No.3 also filed an application for condonation of delay. The only explanation offered in that application was that respondent No.3 had no knowledge of the petitioner's registration until recently.

3. The petitioner, however, produced on record a communication made by respondent No.3 on its official letterhead, signed by both the Chairman and the Secretary. In that letter, respondent No.3 specifically requested the petitioner federation to grant it membership without insisting on contribution towards legal expenses. This communication is clear proof that respondent No.3 had full knowledge of the petitioner's registration and existence as a federation.

4. When such a letter was part of the record before the Appellate Authority, it was not open to the authority to accept the plea of ignorance and condone the delay of more than seven years. A party that knowingly suppresses facts cannot be permitted to take advantage of its own falsehood. The authority is bound to exercise its discretion judiciously, based on truthful and credible reasons. Once the very foundation of the condonation plea is found false, the condonation cannot stand in law.

5. The learned advocate for respondent No.3 argued that the petitioner has an alternate remedy of filing a revision under Section 154 of the Maharashtra Co-operative Societies Act. However, this contention cannot be accepted. The Full Bench of this Court in *Shireen Sami Gadiyali and another vs. Spenta Co-operative Housing Society Ltd.*, (2011) 3 Mah LJ 486, has clearly

held that the existence of a revisional remedy does not bar the exercise of writ jurisdiction when the matter is already covered by a binding precedent of the High Court or the Supreme Court.

6. The Supreme Court has laid down that when an application for condonation of delay is based on a false reason, the delay cannot be condoned. Judicial discretion cannot be exercised to reward falsehood. The law protects only those who approach the authority with clean hands and genuine explanations.

7. Therefore, in the present case, it is not necessary for the petitioner to resort to the revisional remedy under Section 154. The writ petition is maintainable as the condonation order itself suffers from a patent legal error and is contrary to the settled principles of law.

8. I am satisfied that the reason furnished by respondent No.3 for condonation of delay is ex facie false and unsupported by any credible material. The Appellate Authority, therefore, acted in disregard of evidence on record in condoning the delay of seven years.

9. In view of the above discussion, the order dated 30 April 2025 passed by the Appellate Authority condoning the delay and setting aside the petitioner's registration is unsustainable in law.

10. Hence, the impugned order dated 30 April 2025 is quashed and set aside. The order of registration of the petitioner federation dated 24 January 2018 stands restored.

(AMIT BORKAR, J.)