

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6817 OF 2025**

Gaurav Vora ... Petitioner
vs.
District Deputy Registrar
Co-operative Society (1) Mumbai City and others ... Respondents

Mr. Prashant P. Kulkarni a/w. Ms. Rachna Mamnani and Ms. Ritika Rajeev
for petitioner.

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

Mr. Alok D. Mishra a/w. Mr. Yogesh Kokare for respondent No.3.

**CORAM : MANISH PITALE, J.
DATE : 10th JUNE, 2025**

P.C. :

. Heard learned counsel for the petitioner.

2. By this petition, the petitioner has challenged the impugned order dated 10.03.2025 passed by respondent No.1, whereby the revision application filed by the petitioner, was dismissed. As a consequence, the recovery certificate issued against the petitioner became executable.

3. The learned counsel for the petitioner submitted that in the present petition, the grievance is restricted to exorbitant monthly parking charges being levied on the petitioner in respect of parking of his additional vehicle in the society. It is sought to be demonstrated that there can be no justification for increasing monthly parking charges for the second vehicle from ₹ 1250 to ₹ 5000 and hence, the impugned order deserves interference to that extent.

4. In response, the learned counsel appearing for contesting respondent No.3-society invites attention of this Court to the Minutes

of Annual General Body meeting of the society held on 10.09.2017, whereby proposed increase in monthly parking charges was discussed at agenda No.4. It was submitted that the proposed increase of parking charges to ₹ 5000 per month for the second vehicle, was unanimously approved and since the same has not been challenged till date, the petitioner has no locus to raise any grievance in that regard. Hence, it was submitted that there is no substance in the present petition.

5. This Court has considered the rival submissions in the light of the limited grievance raised by the petitioner, in respect of alleged exorbitant increase in monthly parking charges for second vehicle in the society. There is no dispute about the fact that the said increase was based on an unanimous decision taken in the Annual General Body meeting of the society held on 10.09.2017. This is evident from the document at Exhibit A. It is also not the case of the petitioner that the said decision was challenged in any manner, much less by raising a dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960.

6. In the absence of any challenge to the said resolution unanimously passed by the society, the petitioner cannot raise any such grievance in the recovery proceeding. Therefore, the petitioner cannot be heard in these proceedings to say that such alleged exorbitant increase in the monthly parking charges, is not justified. If that be so, there is no valid defence for the petitioner to escape the liability of payment of the outstanding parking charges.

7. There is no substance in the present petition and accordingly, it is dismissed.

(MANISH PITALE, J)