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

WRIT PETITION NO.7062 OF 2025

Rohan Ghelani & Ors.

... Petitioners

V/s.

Shree Vile Parle Gujarati Mandal

Coop. Hsg. Soc. Ltd. & Ors.

... Respondents

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Mr. A.Y. Sakhare, Senior Advocate with Mr. Gaurav Srivastav, Ms. Manorama Mohanty, and Ms. Malika Mondal i/by S.K. srivastav & Co., for the petitioners.

Mr. Mayur Khandeparkar with Mr. Saket Mone, Ms. Srushti Thorat, Mr. Devansh Shah, and Ms. Fatema Kothari i/by i/by Vidhii Partners for respondent No.1.

Mr. Hamid Mulla, AGP for respondent Nos.2 to 4-State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 19, 2025

P.C.:

1. The controversy involved in the present writ petition is narrow. Certain members of a cooperative housing society submitted a requisition to the Managing Committee for convening a Special General Body Meeting. In their requisition, they specified five subjects for consideration. The Managing Committee convened the meeting but restricted it only to two subjects. The requisitioning members felt aggrieved and approached the Registrar by invoking powers under Section 76(3) of the Maharashtra Cooperative Societies Act, 1960. The Registrar, exercising powers under the said provision, appointed an

Authorized Officer to conduct the General Body Meeting. Pursuant to the order, such a meeting was conducted. The society challenged the appointment of the Authorized Officer by filing a revision before the Revisional Authority. The Revisional Authority allowed the revision, mainly on the ground that the society was not afforded an opportunity of hearing before the Registrar passed the order. Aggrieved by the Revisional Authority's order, some of the requisitioning members have filed the present writ petition, contending that the Revisional Authority acted contrary to law.

2. In my considered opinion, it is not necessary to examine in detail the various factual and legal submissions made by both sides. The reason is that the statute itself provides a specific remedy for such grievances. Where requisitioning members allege that their requisition has not been properly complied with or that the Managing Committee has failed to act in accordance with their mandate, the proper course is to approach the Registrar under Section 76(2) of the Act. It is under this provision that the Registrar is empowered to adjudicate whether the meeting convened by the Managing Committee was in accordance with Section 76(1). Only upon such adjudication can the Registrar further decide whether it is necessary to intervene and appoint an Administrator.

3. The legal position is also well settled. A mere breach of the statutory provisions by itself is not enough to justify the appointment of an Administrator. Something more is required to be established. The Registrar must record satisfaction that the circumstances warrant such an extreme step. Appointment of an

Administrator has serious consequences for the elected Managing Committee and, therefore, can be resorted to only when statutory conditions are clearly fulfilled.

4. In the present case, therefore, it would be just and proper to dispose of the writ petition by granting liberty to the petitioners to invoke Section 76(2) of the Act. If they so apply, the Registrar shall consider their grievance in accordance with law.

5. It shall also remain open to the Managing Committee to contest such proceedings and defend its action in accordance with law.

6. For clarity, it is necessary to state that the liberty granted by this Court shall not be construed either as an expression of opinion on the merits of the controversy or as a direction to the Registrar to appoint an Administrator. The Registrar shall take an independent decision after considering the material before him.

7. It shall also be open to both parties to raise all legal and factual contentions available to them before the Registrar.

8. The writ petitions stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)