

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7741 OF 2025

S. C. Deepak Chandra & Anr.

...Petitioners

Versus

The District Deputy Registrar,
Co-operative Societies & Ors.

...Respondents

AND

WRIT PETITION NO. 7747 OF 2025

Brijbasi Prints and Packaging

...Petitioner

Versus

The District Deputy Registrar,
Co-operative Societies & Ors.

...Respondents

- Mr. Bipin Agrawal, Petitioner-in-person in WP/7741/2025.
- Mr. Bhavin Gada i/b Ms. Mandakini Singh, for Petitioner in WP/7747/2025.
- Mr. Bapusaheb Dahiphale, AGP, for Respondent Nos.1 and 2 in WP/7741/2025.
- Ms. Savina R. Crasto, AGP, for Respondent Nos.1 and 2 in WP/7747/2025.
- Ms. Rita Bhatia a/w Ms. Priyanka Pardeshi i/b RBD Legal, for Respondent No.3 in both petitions.

CORAM : MANISH PITALE, J.

DATE : 18th JUNE 2025.

P. C. :

1. Heard learned counsel for the petitioner in Writ Petition No.7747 of 2025 and the petitioner-in-person in Writ Petition No.7741 of 2025.

2. These petitions arise out of proceedings initiated by the

contesting respondent – Society by invoking Section 154B-29 of the Maharashtra Co-operative Societies Act, 1960. On such a proceeding being initiated before the Deputy Registrar of Co-operative Societies as regards the claim of the respondent – Society of arrears due from the petitioners, a direction was issued to the petitioners to pay such arrears. The said orders were challenged before the respondent No.1 – District Deputy Registrar of Co-operative Societies and by the impugned orders the revision applications have been dismissed.

3. A number of issues have been raised on behalf of the petitioners, including an allegation that although as per a circular issued by the Competent Authority that Goods and Services Tax (GST) would not be applicable, the society has been charging such GST, as also a claim that excess amounts were already paid by the petitioners to the respondent – Society. On this basis, it is submitted that this Court may consider allowing the writ petitions and in any case, consider granting interim relief in favour of the petitioners.

4. The learned counsel appearing for the respondent – Society vehemently opposed the contentions raised on behalf of the petitioners. It is contended that two concurrent orders passed against the petitioners do not deserve any interference in Writ jurisdiction, particularly when other members of the society have paid such charges. The petitioners avoided doing so at

their own peril and therefore, the writ petitions may not be entertained.

5. At this stage, the learned counsel for the petitioners further highlight the fact that even water supply to their units has been hampered due to the dispute and the claim raised by the respondent – Society with regard to amount towards arrears.

6. This Court has considered the rival submissions. Considering the fact that as per requirement of the aforesaid Act, the petitioners admittedly paid 50% of the amount ordered by respondent No.2, while filing the revision application before respondent No.1, to that extent, the interest of the respondent – Society has been taken care of. There is a specific allegation made on behalf of the petitioners in both the writ petitions that excess payments have been made and in that regard certain charts and tables have been produced alongwith the writ petitions. Although this is disputed by the learned counsel appearing for the respondent – Society, the said aspect would need further examination. As to whether GST is payable or not is also an issue that may need consideration and therefore, this Court is inclined to consider the present writ petitions, to be decided at the admission stage. This Court is of the opinion that if the interests of the respondent – Society are taken care of an interim arrangement for the present, the water connection to the units of the petitioners ought to be restored during the pendency of these petitions.

7. In view of the above, issue notice for final disposal, returnable on **07th August 2025**.
8. Mr. Bapusaheb Dahiphale, learned AGP waives notice on behalf of Respondent Nos.1 and 2 in Writ Petition No.7741 of 2025 and Ms. Savina R. Crasto, learned AGP waives notice on behalf of Respondent Nos.1 and 2 in Writ Petition No.7747 of 2025.
9. Ms. Bhatia, learned counsel waives notice of respondent – Society in both these petitions.
10. *Vakalatnama* and reply affidavits be filed within four weeks from today.
11. Rejoinder affidavits, if any, be filed within two weeks thereafter.
12. In the meanwhile, water connection to the units of the petitioners shall be restored, subject to the petitioners making payment of amounts to the respondent – Society, for the present, in terms of the bills raised by the respondent – Society for the last quarter of 2024 and the first two quarters of 2025 and upon an undertaking being filed within two weeks on behalf of the petitioners to the effect that they shall continue to make such quarterly payments in terms of the such quarterly bills that shall be raised by the respondent – Society during the pendency of these petitions.

13. The payments shall be made by the petitioners for the last quarter of 2024 and first two quarters of 2025 on or before 15th July 2025.

14. It is made clear that if the petitioners make payment of amounts as per the bills raised for the last quarter of 2024 and the first quarter of 2025, the water connection shall be restored forthwith, subject to the petitioner continuing to abide by the directions contained in paragraph Nos. 12 and 13 above.

(MANISH PITALE, J.)