

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9688 OF 2025

The Loot (India) Pvt Ltd Through Its
Director And Authorized Jayprakash Gupta ...Petitioner

Versus

The Hon Divisional Joint Registrar CS
Mumbai Division & Ors. ...Respondents

Mr. Subhash Jha, with Usha Tiwari, Siddhant Jha and
Sumeet Upadhyay, for the Petitioner.

Ms. D.S. Deshmukh, AGP, for Respondent Nos.1 and 2-State.

Mr. Bhavin Gada, for the Respondent No.7.

CORAM: N. J. JAMADAR, J.

DATED: 24th JULY, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to the order dated 20th May, 2025 passed by the Deputy Registrar, Co-operative Societies, whereby the Deputy Registrar by invoking the provisions contained in Section 75(5) of the Maharashtra Co-operative Societies Act, 1960 ("the Act, 1960"), disqualified the members of the Managing Committee for the period of five years for non-compliance of the provisions contained in Section 75(1), 2(2a) and (3) of the Act, 1960. And by a further order of even date, the Deputy Registrar invoked the provisions contained in

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH
SUBHASH
KULKARNI
Date: 2025.07.28
12:11:12 +0530

Section 77A of the Act, 1960 and appointed an Administrative Officer to manage the affairs of the Society as in view of the disqualification of five members of the Committee of the Society there was a stalemate envisaged by Section 77A(b-1) of the Act, 1960.

3. Respondent Nos.1 to 5 challenged the aforesaid orders before the Divisional Joint Registrar. By the impugned order the Divisional Joint Registrar was persuaded to allow Revision Application No.196 of 2025 and Appeal No.177 of 2024 preferred by respondent No.3 to 7 and quash and set aside the orders dated 20th May, 2025 passed by the Deputy Registrar under Sections 75(5) and 77A(b-1) of the Act, 1960.

4. The principal reason which weighed with the Joint Registrar was that the Deputy Registrar had passed the impugned orders in violation of the principles of natural justice, in the sense that, the contentions and explanations offered by the respondents – officer bearers of the Society for not concluding the Annual General Body meeting before 30th September, 2024 were not considered, and that the order under Section 77A(b-1) was passed *ex parte*. No notice as envisaged by the first proviso to the said Section was published on the notice board at the head office of the said Society inviting

objections and suggestions to the appointment of the Administrative Officer.

5. If the Joint Registrar was of the view that the principles of natural justice were not followed by the Deputy Registrar and the orders impugned before him were vulnerable on account of non-consideration of the explanation furnished by respondent Nos.3 to 7, the appropriate course was to remit the matter back to the Deputy Registrar for afresh determination.

6. Evidently, the AGM, post submission of the Audit Reports, was not held before 30th September, 2024. Whether the respondents had furnished satisfactory explanation was required to be considered and determined by the Deputy Registrar. In these circumstances, the appropriate course would be to remit the proceeding back to the Deputy Registrar for afresh determination after providing an effective opportunity of hearing to the parties.

7. The Deputy Registrar while deciding the matter afresh as to whether action under Section 75(5) of the Act, 1960 is warranted shall consider the explanation offered by the Society and the officer bearers of the Society and, thereafter, pass a reasoned order.

8. The parties shall appear before the Deputy Registrar, Co-operative Societies, on 4th August, 2025.
9. The parties are at liberty to file further documents and/or affidavit before the Deputy Registrar when they appear before the Deputy Registrar on 4th August, 2025.
10. The Deputy Registrar shall decide the matter as expeditiously as possible and, preferably, within a period of four months from the date of the appearance of the parties.
11. The petition stands disposed.

[N. J. JAMADAR, J.]