

Shabnoor

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

WRIT PETITION NO.9693 OF 2025

Selvaraj Kandaswamy Devendra ... Petitioner

V/s.

Assistant Registrar,
Cooperative Societies Slum
Rehabilitation Authority & Ors. ... Respondents

WITH

WRIT PETITION NO.11624 OF 2025

Annadurai Balu Devendra,
Chairman ... Petitioner

V/s.

Assistant Registrar,
Cooperative Societies Slum
Rehabilitation Authority & Ors. ... Respondents

WITH

WRIT PETITION NO.11631 OF 2025

Laxminarayan Ramdhary Jaiswar ... Petitioner

V/s.

Assistant Registrar,
Cooperative Societies Slum
Rehabilitation Authority & Ors. ... Respondents

Mr. Shakil Ahmed a/w Ms. Babita Kesharwani, for the
Petitioner in WP/9693/2025.

Mr. Prashant P. Kulkarni, for Respondent No.2 in
WP/9693/2025 & for Petitioner in WP/11624/2025.

Mr. Rachna Mamnani, for Petitioner in
WP/11631/2025.

Mr. P. V. Nelson Rajan, AGP for the State – Respondent
in WP/9693/2025.

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Ms. Rachna Momnani, for Respondent No.17 in WP/9693/2025.

Ms. Sulbha D. Chipade, AGP for the State – Respondent in WP/11624/2025.

Ms. M. S. Srivastava, AGP for the State – Respondent in WP/11631/2025.

Ms. Uma Palsule Desai, for Respondent Nos.1 &18 – SRA in all WPs.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 3, 2025

P.C.:

1. These three petitions arise from proceedings under Section 75(5) of the Maharashtra Cooperative Societies Act, 1960. The alleged default concerns the failure of the Managing Committee to convene the Annual General Body Meeting for the years 2016-2017 to 2020-2021. The action was initiated against the Chairman, the Secretary, and the Treasurer.

2. The First Authority held the Treasurer and Secretary liable and ordered their disqualification. No such order was passed against the Chairman. The complainant challenged this outcome by filing a revision. The Revisional Authority set aside the finding only to the extent of the Chairman and remanded the matter to Respondent No.1 for fresh consideration limited to him. The complainant has therefore approached this Court in Writ Petition No. 9693 of 2025 asserting that proceedings must be continued against all members of the Managing Committee.

3. Writ Petition No. 11624 of 2025 has been filed by the Chairman. He challenges the order of the Revisional Authority. His case is that he was in jail during the relevant period. He submits that such circumstances constitute a reasonable cause for his inability to convene the meeting.
4. Writ Petition No. 11631 of 2025 has been filed by the Treasurer and the Secretary. They assail the order of the Revisional Authority insofar as it upholds their disqualification. They further submit that the proceedings must continue against all members of the Managing Committee.
5. I have examined the provisions of the Act, the Rules, and the bye-laws. The scheme of the statute is clear. The responsibility to convene the Annual General Body Meeting rests on specific office bearers. The law places this duty on the Chairman, the Secretary, and in some cases the Vice-Chairman. No statutory duty is cast upon the other members of the Managing Committee in this regard. The Assistant Registrar must therefore determine which of these office bearers held the authority to convene the meeting for the relevant period. He must then assess their individual liability and pass orders on disqualification accordingly. The Revisional Authority declined to continue proceedings against the remaining members. That view does not call for interference since no statutory duty was placed upon them.
6. In the petition filed by the Chairman, I find no adequate explanation. He asserts that he was in jail during the years in question. He relies upon this fact to claim that he was prevented

from convening the meeting. The submission raises a question whether such circumstances can qualify as a reasonable cause within the meaning of the Act. This issue requires a factual adjudication by the Registrar who must assess the nature of the cause, the duration of custody, and its bearing on the statutory duty. The matter cannot be decided on a bare assertion.

7. The Registrar is duty-bound to examine whether the cause pleaded by the Chairman satisfies the statutory expression reasonable cause. If the cause falls short of this requirement, the consequences under the Act must follow. If the cause meets the requirement, the Chairman may be entitled to protection. The Registrar must apply his mind to these aspects and record clear findings.

8. The Secretary and Treasurer submit that the Authorities have not conducted the inquiry in accordance with the standards laid down by this Court in *Kailash Maheshwari versus State of Maharashtra decided on 25 September 2025*. They contend that the inquiry must address the nature of the default, the role of each office bearer, and the presence or absence of reasonable cause. These are relevant factors that the Authority must consider.

9. After hearing the parties, I find that the ends of justice require a remand. The proceedings are to be reconsidered by Respondent No.1. The Authority must adjudicate afresh the alleged disqualifications of the Chairman, Secretary, and Treasurer. The Authority must apply the principles laid down in *Kailash Maheshwari*. The inquiry must be conducted with due care,

keeping in view the statutory obligations of each office bearer.

10. The allegations relate to the period from 2016-2017 to 2020-2021. The matter should not remain pending further. Respondent No.1 shall conclude the proceedings within two months from the date on which the parties appear before him.

11. The parties shall remain present before Respondent No.1 on 8 December 2025 at 10:30 a.m.

12. No fresh notice shall be issued for securing the appearance of the parties before Respondent No.1.

13. All the petitions are disposed of accordingly. No costs.

14. All interim orders stand vacated.

15. Pending interlocutory applications, if any, stand disposed of.

(AMIT BORKAR, J.)