

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

WRIT PETITION NO. 10953 OF 2025

M/s. Tirthankar Darshan Co-operative
Housing Society Ltd.

...Petitioner

Versus

State of Maharashtra and ors.

...Respondents

SANTOSH
SUBHASH
KULKARNI

Ms. Aarti Bhandari, a/w Ujwalata Jabal, for the Petitioner.
Mr. J. P. Patil, AGP for the State.

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**CORAM: N. J. JAMADAR
DATED: 14th AUGUST, 2025**

Order:-

1. The petitioner society takes exception to a judgment and order dated 25th February, 2025 passed by the Divisional Joint Registrar, Konkan Division, Navi Mumbai, in Revision Application No.19 of 2024, whereby the revision application preferred by the petitioner against an order passed by the District Deputy Registrar, dated 17th November, 2023, thereby directing the petitioner society to admit respondent Nos.4 and 5 as the members of the society under Section 23(2) of the Maharashtra Co-operative Societies Act, 1960 ("the Act, 1960"), came to be dismissed by affirming the said order dated 17th November, 2023.

2. Respondent Nos.4 and 5 acquired shop No.4 in the society premises under a registered instrument dated 24th July, 2019. Respondent Nos.4 and 5 submitted an application to admit them as the members of the petitioner – society. Asserting that the petitioner society did not communicate the decision to respondent Nos.4 and 5 within the time stipulated under Section 22(2) of the Act, 1960, respondent Nos.4 and 5 preferred an appeal before the Deputy Registrar.

3. By an order dated 17th November, 2023, the Deputy Registrar was persuaded to allow the appeal as respondent Nos.4 and 5 had complied with the requirements for grant of membership by submitting the application and paying the transfer fee.

4. Being aggrieved, the petitioner society preferred revision before the Divisional Joint Registrar under Section 154 of the Act, 1960. The Revisional Authority found no error in the order passed by the District Deputy Registrar under Section 23(2) of the Act, 1960.

5. Ms. Bhandari, the learned Counsel for the petitioner, submitted that the appeal was preferred before the District Deputy Registrar with an incorrect assertion that the petitioner society had not taken a decision on the application for grant of

membership. An endeavour was made to demonstrate that respondent Nos.4 and 5 had not complied with the precondition of deposit of the welfare fee with the society. A reply to that effect was issued on 23rd March, 2023. Ms. Bhandari invited the attention of the Court to a resolution passed in the General Body Meeting of the society held on 23rd July, 2017, wherein it was resolved to charge welfare fee for transfer of the membership. Therefore, the petitioner society was justified in refusing to grant membership, and the said contention has not been adequately dealt with by the Authorities under the Act, 1960, submitted Ms. Bhandari.

6. I am not inclined to accede to the aforesaid submission. Evidently, respondent Nos.4 and 5 had submitted the application and paid the transfer fee of Rs.25,000/- alongwith the application fee. It is fairly crystallized that for transfer of membership fee, a society is precluded from charging any amount apart from the transfer fee of Rs.25,000/-. The resolution to charge the welfare fee is but a camouflage to recover more amount for transfer than permissible in accordance with the Government directive. The Authorities under the Act, 1960 were thus justified in directing the petitioner to admit respondent Nos.4 and 5 as the members of

the society, as the ground of refusal to admit respondent Nos.4 and 5 as members of the society was unsustainable.

7. No interference is warranted with the impugned order in exercise of supervisory jurisdiction.

8. The petition stands dismissed.

[N. J. JAMADAR, J.]