

MPB

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

WRIT PETITION NO. 11249 OF 2025

Narinder Pal Aggarwal

... Petitioner

V/s.

State of Maharashtra, Thro.

Co-operative Ministry, Mumbai & Ors.

... Respondent

Mr. Ghanshyam Mishra along with Ekta Bhalerao for
the petitioners.

Smt. Kavita N. Solunke, Addl.GP along with Smt.
Savina R. Crasto, AGP for the State – Respondent Nos.1
to 3.

Amrut Joshi along with Yazad Udwadia i/by Nitesh
Agrawal for the Respondent Nos. 4 to 6.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 5, 2025

P.C.:

1. The petitioner is a member of the Housing Society. He questions the order passed by the Divisional Joint Registrar under Section 75(5) of the Maharashtra Co-operative Societies Act, 1960. By that order, the Registrar held that the Chairman and Secretary failed to convene the general body meetings for the years 2020-2021, 2021-2022 and 2022-2023 within the prescribed time. The Registrar also found that the audit reports for the said years were not submitted within the statutory time. On this basis, the Registrar disqualified both office bearers for a period of one year.

2. The complainant felt that the punishment was inadequate. He filed a revision to seek enhancement. The Chairman and

Secretary felt that the punishment was excessive. They filed a separate revision. The Revisional Authority, by the impugned order, allowed the revision filed by the Chairman and Secretary. It recorded that there was substantial compliance with the statutory requirements. On that basis, it set aside the disqualification. The revision filed by the complainant is still pending.

3. I have examined the orders passed by the Registrar and the Revisional Authority. I find that both authorities failed to apply the principles laid down by this Court in *Kailash Maheshwari and others versus State of Maharashtra and others (Writ Petition No. 10587 of 2025) decided on 25 September 2025*. In that judgment, this Court explained the duties of the competent authority while examining lapses regarding conduct of general body meetings, delay in audits and the proportionality of punishment. The authority must examine the gravity of lapses, the reasons offered, the extent of compliance and the impact on the functioning of the society. The authority must also record clear findings before imposing or setting aside punishment. These parameters go to the root of a fair and reasoned decision. They have not been followed here.

4. In this situation, the proper course is to remit the matter to the first authority. The Deputy Registrar, Co-operative Societies, M Ward, Mumbai, shall reconsider the entire matter afresh. He shall examine the grievance of the complainant in the light of the parameters laid down in *Kailash Maheshwari*. He shall give due opportunity to all parties. He shall record clear findings on each issue. He shall then pass a fresh order in accordance with law.

5. The contentions of both sides are kept open. The Deputy Registrar shall examine them without being influenced by any observation in the earlier orders.
6. In view of the above, both impugned orders cannot stand. They are quashed and set aside.
7. The writ petition is disposed of in the above terms.

(AMIT BORKAR, J.)