

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11464 OF 2025

Ruchita Amit Jalan & Anr.

...Petitioners

Versus

Divisional Joint Registrar, Cooperative Societies,
Pune Division, Pune & Ors

...Respondents

Mr. Viraj V. Kadam a/w Ms Nitin D. Mayekar, for the Petitioners.

Mr. N. C. Walimbe, Addl.G.P a/w Ms R. M. Shinde, AGP, for the
Respondents-State.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 15th OCTOBER 2025.

PC:-

1. Heard Mr. Viraj Kadam, learned counsel appearing for the Petitioners. Perused the statements made in the Writ Petition. The grievance of the Petitioners is pertaining to the notice dated 11th August 2025 issued by Respondent No. 1, in connection with Revision Application filed under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short "MCS Act"). Mr. Kadam submits that unless 50% of the amount involved in the recovery certificate issued by the Registrar under Section 101 is deposited, the delay condonation application shall not be considered. The contention of the Petitioners is that they will deposit 50% of the amount after the delay condonation application is decided.

2. According to Mr. Kadam, there is no requirement for depositing any amount before consideration of the delay condonation application. In support of his argument, Mr. Kadam has placed reliance on a decision of the Bombay High Court (Aurangabad Bench), rendered in the case of ***Vivek Bhila Patil & Anr. Vs. State of Maharashtra***¹.

3. Responding to the above submission, Mr. N. C. Walimbe, learned Addl.G.P. has submitted that, unless the amount of 50%, as per the mandate of Section 154 (2-A), is deposited by the Petitioners, their revision application cannot be entertained. The learned Addl.G.P. has, however, submitted in his usual fairness that Section 154 (2-A) does not refer to the application for condonation of delay and, therefore, the decision rendered in the case of ***Vivek Bhila Patil & Anr. (supra)*** may have some relevance in this case.

4. After hearing the submissions made at the bar and upon consideration of the decision of the learned Single Judge, rendered in the case of ***Vivek Bhila Patil & Anr. (supra)***, we are of the view that the application for condonation of delay submitted by the Petitioners ought to be considered on merit and disposed of by a reasoned order, without insisting on 50% deposit. Depending on the outcome of the application, the Petitioners would have to deposit 50% of the certificate amount as per the mandate of Section 154 (2-A) of the MCS Act, 1960.

5. Therefore, by taking note of the undertaking given by the Petitioners' counsel, that as soon as the application for condonation of delay is decided, and if the delay is condoned, his clients would

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deposit 50% of the amount before the Revisional Authority for pursuing the revision application, we direct that the delay condonation application filed by the Writ Petitioners be decided on merit first in point of time without insisting on the deposit of 50% of the amount.

6. With the above observation, the Writ Petition stands disposed of.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)