Ashish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12284 OF 2025
WITH
WRIT PETITION NO.12287 OF 2025
WITH
WRIT PETITION NO.12324 OF 2025
WITH
WRIT PETITION NO.12325 OF 2025
WITH
WRIT PETITION NO. 12327 OF 2025
WITH
WRIT PETITION NO.12414 OF 2025
WITH
WRIT PETITION NO.11843 OF 2025

Pandit Vasantrav Ingole … Petitioner

V/s.

The Divisional Joint Registrar CO Op. Soc. And ors … Respondents

Mr. Rushikesh Jadhav i/b Mr. Vipul K Shah, for the petitioner in all petitions.

Ms. D.S. Deshmukh, AGP for State in WP No. 12284 of 2025.

Mrs. V.S. Nimbalkar, AGP for State in WP No.12287 of 2025.

Mr. Y.D. Patil, AGP for State in WP No.12414 of 2025.

Smt. M.S. Shrivastava, AGP for State in WP No.12324 of 2025.

Ms. Savina Crasto, AGP for State in WP No.12325 of 2025.

Mr. A.C. Bhadang, AGP for State in WP No.12327 of 2025.

Ms. Sulbha D Chipade, AGP for State in WP No.11843 of 2025.

Mr. Prashant Hagare, for respondent nos. 2 and 3 in all petitions.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 26, 2025

P.C.:

1. These writ petitions challenge the revisional order passed by the Revisional Authority, which entertained a challenge to the order of the Registrar fixing the upset price under Rule 107 of the Maharashtra Co-operative Societies Act, 1960 (for short, "MCS Act").

2. The petitioner–borrower has questioned the fixation of upset price on several grounds. One of the main grounds is that the Government approved valuer had certified the market value of the property as more than Rs. 5,00,00,000/-. However, relying upon the valuation certificate produced by the Society, the Registrar fixed the upset price at Rs. 3,23,00,000/-.

3. The Revisional Authority dismissed the revision application holding that the petitioner had not complied with Section 154(2A) of the MCS Act.

4. The learned Advocate for the petitioner relied upon the judgment of this Court in Writ Petition No. 810 of 2005 (Pravin Yashwant Danawade vs. Jawali Sahakari Bank Ltd. & Ors.) decided on 16 March 2005. In that case, this Court held that compliance with Section 154(2A) arises only when the certificate under

Section 101 of the MCS Act itself is challenged. He further pointed out the order of the co-ordinate Bench in Writ Petition No. 4118 of 2014, dated 28 April 2014, wherein a reference has been made on the question whether a person challenging consequential action after issuance of the Section 101 certificate is required to deposit 50% of the amount. That reference is still pending before the Division Bench. On this basis, it was submitted that compliance with Section 154(2A) was not necessary in the present case.

5. The issue that arises for consideration, therefore, is whether, during the pendency of the reference before the larger Bench, the requirement of depositing 50% under Section 154(2A) will govern the present proceedings or not.

6. The governing law for deciding cases during the interregnum has been clarified by the Supreme Court in *Union Territory of Ladakh and Others v. Jammu and Kashmir National Conference and Another* (2023 SCC OnLine SC 1140). The Supreme Court expressed concern that several High Courts were refraining from deciding matters merely because the leading judgment of the Supreme Court was referred to a larger Bench or a review petition was pending. The Court also noticed instances where High Courts declined to follow binding precedent on the ground that its correctness had been doubted by a later co-ordinate Bench. To remove this uncertainty, the Supreme Court laid down a clear position in law. It held that High Courts must proceed to decide matters on the basis of the law as it stands. Unless the Supreme Court specifically directs otherwise, the pendency of a reference or review petition is no ground to keep matters undecided. Further, a

High Court cannot refuse to follow a judgment of the Supreme Court by pointing out that its correctness has been doubted by another Bench. Most importantly, when faced with conflicting decisions of co-equal Benches of the Supreme Court, the judgment delivered first in point of time will prevail and bind the High Courts. This principle was reiterated by the Constitution Bench in *National Insurance Company Limited v. Pranay Sethi* (2017) 16 SCC 680. The High Courts are bound to apply this principle with due regard to the facts and circumstances of each case before them.

7. In the present case, reliance was placed by the petitioner on the decision of this Court in *Pravin Yashwant Danawade v. Jawali Sahakari Bank Ltd. & Ors.*, Writ Petition No. 810 of 2005, decided on 16 March 2005. However, it is pertinent to note that while delivering the said judgment, this Court had not considered the earlier binding precedent of this Court in *The Greater Bombay Co-operative Bank Ltd. & Anr. v. Dhillon P. Shah and Ors.*, 2004(1) ALL MR 25. The law declared in *Greater Bombay* was therefore the earlier pronouncement and continued to bind, unless overruled by a larger Bench.

8. In view of the law laid down by the Supreme Court in *Union Territory of Ladakh* (supra), the earlier binding precedent in *Greater Bombay* (supra) must prevail over the later judgment in *Pravin Yashwant Danawade*. Judicial discipline requires that when two conflicting views exist, the one rendered first in point of time is to be followed.

9. Applying this settled principle, the Revisional Authority was right in dismissing the revision application for want of compliance with Section 154(2A) of the MCS Act. Its approach cannot be faulted as it was in consonance with the binding precedent in *Greater Bombay* (supra).

10. Therefore, I find no merit in these writ petitions. No case for interference is made out.

11. The writ petitions stand dismissed.

(AMIT BORKAR, J.)