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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12405 OF 2025

Ashok Kumar Sharma & Ors.

... Petitioners

V/s.

Divisional Joint Registrar,

Coop. Societies & Ors.

... Respondents

Mr. Sachin Mandlik with Mr. Tanay Musale i/by Ms. Usha Tiwari and Ms. Vandana Tiwari for the petitioners.

Ms. D.S. Deshmukh, AGP for respondent Nos.1 to 3-State.

Mr. Simil Purohit, Senior Advocate with Ms. Khushboo Chughani i/by Mr. Sanmish Gala for respondent No.4.

Mr. Rahul Soman with Mr. Satyen Vora, and Ms. Dimple Vora i/by Markand Gandhi & Co., for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 26, 2025

PC.:

1. By the present writ petition, the earlier Managing Committee members, elected for the period from 2022 to 2027, have questioned the legality of the order of stay granted by the State of Maharashtra in exercise of its revisional powers under Section 154 of the Maharashtra Cooperative Societies Act, 1960 (for short "MCS Act"). *The said stay was granted against the order passed under Section 152 of the MCS Act, whereby the suspension of the Managing Committee under Section 78A and appointment of*

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Administrator was set aside.

2. During the pendency of these proceedings, intervening events of significance have occurred. The Administrator appointed under *Section 77A* proceeded to conduct elections to the Managing Committee, and a new Committee has already assumed charge. In law, once a new Committee is duly elected and has taken over, the earlier Committee which was removed by the order under *Section 78A* cannot claim to be reinstated, even if subsequently the order appointing the Administrator is set aside.

3. Thus, the only surviving issue pertains to the validity of the disqualification imposed upon the earlier Managing Committee members from contesting elections for the next term, as a consequence of the order under *Section 78A*. On this limited aspect, the controversy is alive, and it will have to be examined and adjudicated by the Revisional Authority on merits.

4. In my considered view, the proper course for the Revisional Authority was not to grant a blanket stay of the order passed under *Section 152*, which has already worked itself out by virtue of the subsequent elections. Instead, the Revisional Authority ought to have clarified that the earlier Managing Committee members are not entitled to resume office and that the newly elected Managing Committee shall continue to function without disturbance.

5. In view of the above discussion, the impugned order of the Revisional Authority granting stay to the order passed under *Section 152* is unsustainable and is therefore set aside. The Revisional Authority shall proceed to decide the revision

application confined to the aspect of disqualification of the earlier Managing Committee members, strictly in accordance with law, within a period of eight weeks from the date the parties appear before it.

6. The parties are directed to appear before the Revisional Authority, i.e., the State of Maharashtra, on 6 October 2025, without waiting for further notice.

7. The writ petition is accordingly disposed of in the above terms. There shall be no order as to costs.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 1 October 2025. Corrections are shown in italicize.