

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

CIVIL WRIT PETITION NO. 12409 OF 2025

Vidya Niwas Co-operative Hsg. Soc. Ltd. ..Petitioner
Versus
The Deputy Registrar Co-Op. Soc. & Ors. ..Respondents

Mr. Vishal Hegde a/w. Vinod Sakpal, Ms. Anuja Apte and Mr. Rohit
Maurya a/w. R. P. Shirole for Petitioner.
Ms. M. S. Bane, AGP for State/Respondent Nos.1 & 2.

CORAM : AMIT BORKAR, J.
DATE : 07 NOVEMBER 2025

PC :

1. The petitioner society challenges the orders passed by Respondent Nos.1 and 2. The authorities refused to decide the claim on merits. They directed the society to approach the Co operative Court under Section 91 of the Maharashtra Co operative Societies Act. They recorded that the matter involves complicated facts and law.

2. Respondent No.3 was present earlier and had sought time on 26 September 2025. Today, there is no appearance for Respondent No.3.

3. The learned advocate for the petitioner pointed out that Respondent No.3 had filed a reply before Respondent No.1. In that

reply, Respondent No.3 did not raise any issue of complicated facts or law. The learned advocate relied on the judgment of this Court in Saraf Kaskar Industrial Premises Co operative Society Ltd versus The District Deputy Registrar Co operative Societies in Writ Petition No.14996 of 2024. That judgment was decided on 19 September 2025. The learned advocate submitted that while exercising powers under Section 154B 29, the Registrar cannot avoid his legal duty to decide the quantum of dues.

4. He placed reliance upon paragraph Nos.7 & 8 of the said Judgment which are reproduced as under:

“7. In my considered view, therefore, the authority under the Act cannot shirk its statutory responsibility to adjudicate the quantum of dues under Section 154B-29 by resorting to a general observation that the matter involves complicated questions of law and fact. The jurisdiction entrusted to the Registrar is meant to provide a speedy and effective mechanism for Housing Societies to recover their legitimate dues. Unless the dispute involves issues that clearly travel beyond the scope of summary enquiry, the Registrar is bound to apply his mind to the documents on record and arrive at a finding on the arrears claimed by the Society.

8. The Registrar, while exercising powers under Section 154B-29 of the Maharashtra Co-operative Societies Act, is not expected to conduct a full-fledged trial like a Co-operative Court. At the same time, the Registrar cannot act mechanically. He is duty-bound to apply his mind to the claim put

forward by the Society and the defence raised by the members. The law requires him to examine whether, on the basis of documents produced, the Society has at least prima facie established its claim.”

5. Applying these principles, I find merit in the submissions of the petitioner. The record does not show that Respondent No.3 raised any issue that required a full trial. The Registrar cannot avoid his statutory duty in a routine manner. When the law gives a remedy before the Registrar, he must examine the documents and reach a decision. He cannot push the parties to another forum without proper reasoning. In this case, the Registrar was under an obligation to decide the claim on merits.

6. Therefore, the orders passed by Respondent Nos.1 and 2 cannot stand. They are quashed and set aside.

7. The proceedings filed by the petitioner society are restored to the file of Respondent No.1. Respondent No.1 shall give an opportunity of hearing to all concerned. Thereafter, he shall determine the amount payable by Respondent No.3 in accordance with law and on the basis of the record.

8. With this clarification, the petition stands disposed of.

(AMIT BORKAR, J.)