

AGK

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

WRIT PETITION NO.12679 OF 2025

Shrinivas P Reddy & Ors. ... Petitioners

V/s.

Hon'ble Minister for Coop. & Textile
Department & Ors. ... Respondent

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KULKARNI

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Mr. Amrut Joshi with Ms. Pooja Badra, Yazad, and Mani
Thevar i/by Ganesh & Co., for the petitioners.

Ms. Kavita Solunke, Additional G.P with Mr. S.L. Babar,
AGP for respondent Nos.1 to 4-State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2025

P.C.:

1. The petitioners are elected members of the Managing Committee who were disqualified under Section 77A of the Maharashtra Cooperative Societies Act, 1960. The Appellate Authority, after examining the record and merits of the matter, set aside the disqualification and allowed the appeal. The person aggrieved by such order filed a Revision. However, the Revisional Authority, without assigning any reasons, granted stay to the order passed by the Appellate Authority.

2. It is necessary to point out that in such matters the grant of stay virtually amounts to granting the final relief itself. Disqualification of a Committee under Section 77A has serious

consequences. Once disqualified, the Committee ceases to hold office and an authorised officer steps in to discharge the functions. When the Appellate Authority has restored the elected Committee, the Revisional Authority is not expected to disturb that position by way of interim order without recording reasons.

3. The scheme of Section 77A makes it clear that the Legislature has intended strict consequences against disqualified members. The provision contemplates immediate cessation of office to protect the interest of the society. Therefore, an order of stay passed mechanically by the Revisional Authority, without a speaking order, defeats the very purpose of the section. Interim relief should not be granted where it results in reversal of the substantive effect of the appellate order, unless strong reasons exist.

4. The Revisional Authority could, at the highest, have directed an early hearing of the revision and heard both parties on merits. That would have balanced the interest of the parties without causing prejudice to either side. Granting interim relief in such matters, particularly when it results in suspending the elected body restored by the Appellate Authority, is not permissible in law. It amounts to exercising jurisdiction contrary to the legislative intent underlying Section 77A and against settled judicial principles that interim orders should not grant what amounts to the final relief.

5. Hence, there shall be interim relief in terms of prayer clause (b).

6. Issue notice to the respondent No.5, returnable on 17 October 2025.

(AMIT BORKAR, J.)