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

WRIT PETITION NO. 13015 OF 2025

Anwar Rai and ors ... Petitioners
V/s.
 The Hon'ble Minister for Co-operation &
 Ors. ... Respondents

Mr. N.N. Bhadrashete i/b Mr. Viresh Bhadrashete, for
 the Petitioners.

Mr. Hamid Mulla, AGP for State.

Mr. Dilip H Shukla a/w Ms. Sujata Bute, for respondent
 nos.4 to 6.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2025

P.C.:

1. The present writ petition challenges the order dated 17th September 2025 passed by respondent no.1, whereby respondent no.1 entertained and decided a second revision. This second revision arose from an order dated 9th December 2024 passed by respondent no.2 while exercising revisional powers under Section 154 of the Maharashtra Cooperative Societies Act, 1960 (for short “the MCS Act”), which in turn arose from proceedings under Sections 75(5) and 77(A) of the MCS Act.

2. The learned Advocate for the petitioner submitted that the impugned order suffers from inherent lack of jurisdiction. He relied on the Full Bench judgment of this Court in *Shireen Sami*

Gadiyali and another vs. Spenta Co-operative Housing Society Ltd., (2011) 3 Mah LJ 486, wherein it has been categorically held that a second revision under Section 154 of the MCS Act is not maintainable. The learned Advocate argued that respondent no.1, while exercising powers of revision, had no jurisdiction to entertain a second revision arising from an order already passed by the subordinate revisional authority under the same provision. Therefore, according to the petitioner, the impugned order is void and unsustainable in law.

3. On the other hand, the learned Advocate for the contesting respondent submitted that the order passed by respondent no.2 suffered from jurisdictional error, since respondent no.2 entertained a revision against an order passed under Section 77(A) of the MCS Act, though such order is appealable and not revisable. It was, therefore, contended that respondent no.1 was justified in entertaining the second revision to correct the illegality committed by respondent no.2.

4. On careful consideration, I find that the submission of the petitioner deserves acceptance. The order passed under Section 75(5) of the MCS Act is not an appealable order. The only statutory remedy available against such order is by way of revision under Section 154. The order passed under Section 77(A) is only a consequential step taken in continuation of the proceedings initiated under Section 75(5). Once the foundation order under Section 75(5) is interfered with or set aside, the consequential order passed under Section 77(A) automatically loses its legal basis.

5. The Supreme Court in *Haribhau Dagdu Tandale v. Industrial Coop. Assn. Ltd.*, (1996) 10 SCC 714, has clearly held that when the foundation of an order collapses, every structure built upon it must also fall. Applying this principle, it follows that once the order under Section 75(5) is disturbed, the consequential order under Section 77(A) cannot survive.

6. Therefore, the challenge before respondent no.1 was, in substance, arising from a revision already filed by the petitioner against an order under Section 77(A). Any further exercise of revisional jurisdiction over such an order amounts to entertaining a second revision, which is expressly prohibited by the law laid down by the Full Bench of this Court in *Shireen Sami Gadiyali* (supra). The revisional authority has no jurisdiction to re-examine the same matter through a successive revision merely because the earlier order is alleged to be illegal or irregular.

7. The impugned order dated 17th September 2025, therefore, cannot be sustained in law. It is accordingly quashed and set aside. Rule is made absolute in terms of prayer clause (a).

8. It is clarified that this Court has not examined the merits of the rival claims raised by the parties. All questions on merits are left open to be considered by the competent authority in accordance with law.

(AMIT BORKAR, J.)