

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13021 OF 2025

Parimal Patel ... Petitioner
V/s.
The Joint Registrar, Cooperative
Societies, Konkan Division & Ors. ... Respondents

WITH
WRIT PETITION NO.13022 OF 2025

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Omprakash R. Upadhyar ... Petitioner
V/s.
The Joint Registrar, Cooperative
Societies, Konkan Division & Ors. ... Respondents

Mr. Rajendra Prasad Mishra with Dhruv Yadav for the
petitioner.

Mr. Y.D. Patil, AGP for respondent Nos.1 & 2-State. In
WP/13021/2025.

Smt. Mamta S. Srivastava, AGP for respondent Nos.1 &
2-State in WP/13022/2025.

Mr. Pradyumna Pal for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 23, 2025

PC.:

1. Both the writ petitions are filed by the Secretary and the Chairman of a housing society. They question the order by which they were disqualified. The reason for disqualification is simple and specific. The society did not hold its Annual General Meeting for the financial years 2019–2020 and 2020–2021 within the time

prescribed by law. The law required the AGM to be held within the extended period available till March 2022. That did not happen. The petitions therefore arise from admitted delay in performing a statutory duty.

2. The authorities under the Act examined the record placed before them. They recorded two clear findings. First, the AGM was not held within the statutory period. Second, even the rectified audit report was never placed before the general body. These findings are factual. They are based on the material available in the official record. The authorities did not proceed on assumptions. They relied on what was shown to them and, more importantly, on what was not shown.

3. The learned Advocate for the petitioners argued that the rectified audit report was in fact placed before the general body. This submission, however, remained only an assertion. No minutes of meeting, no notice, and no document was produced either before the Deputy Registrar or before the revisional authority to support this claim. In the absence of such evidence, the authorities had no option but to reject the contention. The finding of the revisional authority that the petitioners failed to place the rectified audit report on record is therefore fully supported by the record.

4. Even otherwise, the lapse does not end with one year. For the financial year 2020–2021 also, the AGM was not held within the extended period available till the end of September 2021. Holding the AGM is not a formality. It is the forum where members review accounts and functioning of the society. Failure to hold AGMs for

consecutive years strikes at the root of democratic functioning of the society. When such breach is established on record, the consequence prescribed by law must follow. The order disqualifying the Secretary and Chairman for a period of five years is thus a natural and legal result of their default. No perversity or illegality is shown.

5. In view of these facts and findings, no ground is made out for interference under writ jurisdiction. The orders passed by the authorities are based on evidence and correct application of law.

6. Both the writ petitions are therefore dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)