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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13261 OF 2025

Blue 1 Inc. ... Petitioner
V/s.
The Deputy District Registrar,
Bhandari Bank & Ors. ... Respondents

AND
WRIT PETITION NO.13266 OF 2025

Blue Square Inc. ... Petitioner
V/s.
The Deputy District Registrar,
Bhandari Bank & Ors. ... Respondents

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Mr. Kamlesh Kumar Tiwari for the petitioner.
Mrs. V.S. Nimbalkar, AGP for respondent No.1-State in
WP/13261/2025.
Mr. P.V. Nelson Rajan, AGP for respondent No.1-State in
WP/13266/2025.
Mr. Raghavendra S. Mehrotra with Ms. Madhat J.
Shaikh i/by Lawkhart Advocates & Legal Consultants
for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 8, 2025

P.C.:

1. This petition challenges the refusal of the District Deputy Registrar to condone a delay of 3,204 days in filing a revision against a recovery certificate under Section 101 of the Maharashtra Cooperative Societies Act, 1960.

2. The society commenced recovery proceedings and the Deputy Registrar issued the recovery certificate on 31 August 2015. The society filed a corrigendum or amendment application on 27 May 2021 seeking to amplify the debt from Rs. 6,31,173 to Rs. 77,52,184. The petitioner mounted two writ challenges in 2021. The High Court gave liberty to pursue statutory remedy. The petitioner eventually filed a revision; the papers now show the revision came to be presented only on 7 June 2024. The revisional authority computed the delay as 3,204 days and refused condonation. The petition challenges that refusal.

3. The delay totals 3,204 days. That is eight years and more. The law treats such long delay with strict scrutiny. The applicant bears the burden to show sufficient cause for the entire period of delay. The court must examine reasons for every material period of inaction.

4. The petitioner relies mainly on the Covid pandemic and the lockdowns. Covid affected routine life. Courts accepted Covid as a cause in limited windows where access to courts or essential services was blocked. Covid does not explain every day of an eight year delay. The Covid lockdowns in India lasted in guarded form roughly from March 2020 to mid-2021. The petitioner claims lockdown for two years. That still leaves a large period unaccounted for. The petitioner also delayed after this period even when courts functioned and electronic filing and alternative remedies existed. The record shows liberty was given on 12 April 2022 to file statutory remedy. Even accepting lockdown until mid-2021, liberty came after that. The petitioner had from April 2022

until June 2024 to act. The petitioner did not. In short, Covid explains a limited interval. It does not explain the whole delay. The petitioner fails to particularise lawful reasons for the remaining years. The burden rests on the petitioner; he did not discharge it.

5. The petitioner's own pleadings contain inconsistent dates and assertions. Paragraphs and affidavits variously state that revision was filed on 12 April 2022 and elsewhere that it was filed on 7 June 2024. This Court gave liberty by order dated 12 April 2022. If a revision was filed the same day, then the present delay narrative collapses. If the revision was filed only on 7 June 2024, then an unexplained gap persists from April 2022 to June 2024. The petitioner has not reconciled these contradictions. The inconsistency casts doubt on the veracity of the explanation offered. A litigant cannot claim equity while offering contradictory facts. The revisional authority was entitled to treat such inconsistency as fatal to the plea for condonation.

6. Learned counsel for the petitioner sought to rely on proceedings in other fora such as the Debt Recovery Tribunal. The submission was that parallel or prior forum litigation justified delay. That submission cannot stand on the record.

7. A litigant may pursue alternative remedies. But pursuing one forum does not indefinitely suspend the duty to prosecute a statutory revision which is time bound. When the statute prescribes time and allows revision, the litigant must act unless a court stays the limitation or grants specific relief. The record contains no formal stay of limitation or express court direction to

defer filing the revision until the outcome of other proceedings. The High Court granted liberty to file the statutory remedy; that liberty required prompt action. The petitioner cannot, by invoking parallel forum proceedings, indefinitely postpone the exercise of statutory remedy and then seek condonation for the accrued delay. The revisional authority correctly rejected this line of defence.

8. Learned counsel for the petitioner urged that the petitioner is ready to deposit the entire amount and that this willingness should tilt the balance in favour of condonation. Deposit of the disputed sum is a relevant factor in certain cases. It may mitigate prejudice. It may demonstrate bonafides. But deposit is not a talisman which automatically cures long delay or substitutes for adequate explanation.

9. The question is twofold. First, did the petitioner give cogent reason for the delay. Second, would the society suffer prejudice if condonation were allowed and deposit made. Here the petitioner failed on the first question. The deposit plea came only after the delay was in issue. The deposit offer does not explain why the petitioner remained inactive for years. The revisional authority could properly treat the late offer as opportunistic and insufficient to dispel the prejudice caused by protracted delay.

10. Section 101 aims at a swift and effective recovery mechanism for cooperative societies. A certificate under that provision is tantamount to an executable document. The legislature intended finality subject to limited supervisory review. Long inaction undermines that scheme and inflicts prejudice on

the society and its members who depend on financial certainty. Courts must balance individual hardship against the public interest in finality and orderly administration.

11. Allowing condonation in a case of 3,204 days delay without clear and acceptable cause would subvert the statutory purpose. The revisional authority applied this reasoned caution. I endorse that approach.

12. The applicant must show sufficient cause for the delay; the cause must be explicable, continuous and specific for the period in question. Delay occasioned by ignorance, financial difficulty or casual inaction requires explanation. Temporary disability or impossibility must be supported by evidence. Events such as court closures during pandemic years will be considered in appropriate windows. The authority must also weigh prejudice to the respondent and the merits of the underlying claim. These principles apply with full force here.

13. On the available record the petitioner did not present particularised contemporaneous evidence to justify the gaps. The petitioner did not explain why electronic or alternative filing methods were not used. The petitioner did not produce evidence of continuous impediment from 2015 through 2024. The revisional authority thus acted within the scope of reason.

14. The power to condone delay is discretionary. A reviewing court must not disturb that discretion unless the decision is arbitrary, capricious or suffers from legal error. The revisional authority examined the explanation. It found it lacking. It applied

principles of limitation and fairness. Its conclusion falls squarely within permissible exercise of discretion. This Court will not lightly interfere.

15. The society acted to amend the certificate in 2021 and pursued its statutory entitlements. The petitioner delayed, filed belated writs, and then sought condonation. Equity does not favour such conduct. Courts must guard against allowing procrastination to become a tool to frustrate statutory remedies.

16. The petitioner has not discharged the burden of showing sufficient cause for a delay of 3,204 days. The explanation anchored mainly on the Covid pandemic and on pendency of other proceedings fails to account for the lion's share of the delay. The revisional authority considered the matter and declined condonation for valid reasons.

17. I find no legal error in that decision.

18. The writ petition is dismissed. The petitioner must bear the costs of these proceedings.

19. No order as to costs.

(AMIT BORKAR, J.)