

Shabnoor

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

WRIT PETITION NO.15438 OF 2025

Usha Kiran Cooperative Housing
Society Ltd. & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.15517 OF 2025

Acrynova Industries Private Limited
& Anr. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Bhushan Deshmukh a/w Aamir Alish Sheikh i/b Ivory Legal,
for the Petitioners in WP/15438/2025.

Ms. Simil Purohit, Sr. Advocate, Mr. Vishal Pattabiraman a/w Ms.
Shweta Nisar i/b Sonal Doshi & Co., for the Petitioners in
WP/15517/2025.

Ms. SavinaR. Crasto, AGP, for Respondent Nos.1 to 3 in
WP/15438/2025.

Mr. Rajendra Pai, Sr. Advocate, a/w Ms. Rajani Kanojia, Vaibhavi
P, Monish Bhatia, Minal Chandanani, for Respondent No.4.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 18, 2025

ORAL JUDGMENT:

- 1. Rule.** Rule made returnable forthwith.
- These petitions under Article 226 of the Constitution question a direction issued by the Revisional Authority while acting under Section 154 of the Maharashtra Cooperative Societies Act, 1960. The Revisional Authority was considering a revision

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filed against an order passed by the Registrar under Section 146 of the Act. During the revision, the Revisional Authority directed the Secretary of the respondent Housing Society to produce several documents. The limited issue in these petitions is whether such a direction can be issued to the Secretary of a Housing Society in exercise of revisional powers under Section 154. To answer this issue, it becomes necessary to reproduce Section 154 of the Act, which reads thus:

“154. Revisionary powers of State Government and Registrar.

— (1) The State Government or the Registrar, suo motu or on an application, may call for and examine the record of any inquiry or proceedings of any matter, other than those referred to in sub-section (9) of section 149, where any decision or order has been passed by any subordinate officer, and no appeal lies against such decision or order, for the purpose of satisfying themselves as to the legality or propriety of any such decision or order, and as to the regularity of such proceedings. If, in any case, it appears to the State Government, or the Registrar, that any decision or order so called for should be modified, annulled or reversed, the State Government or the Registrar, as the case may be, may, after giving the person affected thereby an opportunity of being heard, pass such orders thereon as to it or him may seem just.

(2) Under this section, the revision shall lie to the State Government if the decision or order is passed by the Registrar, the Additional Registrar or a Joint Registrar, and to

the Registrar if passed by any other officer.

(2A) No application for revision shall be entertained against the recovery certificate issued by the Registrar under section 101 3[or section 154B-29] unless the applicant deposits with the concerned society, fifty per cent. amount of the total 5[amount of recoverable dues. If the revision application is allowed, the Revisional Authority may pass an order directing the society to refund the amount so deposited to the applicant:

Provided that, in case of such revision where revisional authority has granted a stay to the recovery of dues, the authority shall, as far as may be practicable, dispose of such revision application as expeditiously as possible but not later than six months from the date of the first order.

(3) No application for revision shall be entertained, if made after two months of the date of communication of the decision or order. The revisional authority may entertain any such application made after such period, if the applicant satisfies it that he had sufficient cause for not making the application within such period.

(3A) The revisional authority, in order to prevent the ends of justice being defeated, may pass such interim orders including order of stay against the impugned order, pending the decision and final hearing of the Revision Application :

Provided that, if any interim order has been passed by the revisional authority without hearing the other side, the

revisional authority shall decide such application within a period of three months and pass the necessary order on merits after giving an opportunity of being heard and for the reasons to be recorded in writing.

(4) The State Government may, by order, direct that the powers conferred on it by this section shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised also by an officer of the rank of Secretary to Government.”

3. A careful reading of sub-section (1) of Section 154 shows the clear limits of the revisional power. The Legislature has permitted interference only to examine whether the subordinate authority acted within the law, followed proper procedure, and reached a decision that is legal and proper. The power is corrective in nature. It allows the Revisional Authority to modify, annul or reverse the order under challenge. It does not authorise the Revisional Authority to enter into matters that lie outside the record of the subordinate authority. It does not permit the calling of documents from a cooperative society such as membership registers, share certificates, maintenance bills, vouchers, or audit papers. The scheme of the statute keeps such matters outside the revisional field because the revisional jurisdiction is not an original fact finding jurisdiction.

4. The Act creates a separate and clear mechanism for a member or an interested person who seeks access to documents of the society. That right flows either from Section 32 of the Act or

from sub-section (8) of Section 154B in case of a housing society. When a person seeks such documents, he must first approach the society. If the society refuses, he may then take recourse to the Registrar who is empowered to enforce this statutory right. This remedy is independent. It cannot be blended with the revisional power.

5. When a revision is filed against an order passed under Section 146, the Revisional Authority must confine itself to the record that was before the Registrar. It cannot widen its jurisdiction by calling for new material or by reopening issues that were not before the original authority. Any such course would defeat the structure of Section 154 and disturb the finality of the subordinate authority's proceedings.

6. In these circumstances, the direction issued by the Revisional Authority to the respondent society to produce documents, as stated in clause (2) of the impugned order, cannot stand. It runs contrary to the plain language of Section 154. It traverses beyond jurisdiction. The Revisional Authority cannot test the legality of the order passed under Section 146 on the basis of material that was never placed before the Registrar. The law does not permit the Revisional Authority to convert a limited revisional enquiry into a roving enquiry.

7. For these reasons, the petitions merit acceptance. The impugned order is quashed and set aside to the extent it directs respondent No. 3 society to produce the documents mentioned in clause (2).

8. Rule is made absolute in terms of prayer clause (a).
9. The petitions stand disposed of in these terms. There shall be no order as to costs.
10. It is clarified that setting aside of clause (2) of the impugned order shall not affect the adjudication of the revision applications. The Revisional Authority shall decide them on their own merits and in accordance with law, without being influenced by the earlier direction.

(AMIT BORKAR, J.)