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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15448 OF 2025

Capt. Arvind Singh Bal & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

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Mr. Uday P. Warunjikar with Mr. Sumit Kate i/by Ms.
Gargi U. Warunjikar for the petitioner.

Ms. Savina R. Crasto, AGP for respondent Nos.1 & 2-
State.

Ms. Kareena Chandan Talreja with Mr. Karan C. Talreja
and Mr. Ravi Rattesar for respondent Nos.3 and 4.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 17, 2025

PC.:

1. The writ petition questions an interim order passed by the appellate authority in an appeal arising from an order of disqualification under Section 75(5) of the Maharashtra Cooperative Societies Act, 1960. The petition does not call for examination of the final merits of disqualification. It is confined to the manner in which interim protection was considered. The record shows that the petitioners were an elected body. Their removal operates with immediate civil consequences. Such an order affects the daily functioning of the society. Therefore, the approach to interim relief had to be cautious and balanced.

2. The only allegation raised in the appeal is delay in holding the Annual General Body Meeting. No other act of misconduct is alleged. No material is placed to show deliberate or wilful breach. Delay by itself, without examining surrounding facts, cannot automatically justify refusal of interim protection in a statutory appeal against disqualification. When an elected body is dislodged, interim relief preserves stability till the appeal is decided. The appellate authority, therefore, erred in refusing interim relief in such circumstances. Continuation of interim protection alone would serve the ends of justice.

3. During the pendency of the appeal, the ad interim relief granted by this Court on 19 November 2025 deserves to continue. This ensures that the appeal does not become meaningless by passage of time. At the same time, if the appeal is ultimately decided against the petitioners, equity requires that reasonable time be granted to enable them to seek further legal remedy. Hence, the ad interim relief shall continue for four weeks even after the decision, if it goes against the petitioners.

4. The dispute relates to interconnected proceedings under Section 77A and Section 75(5) of the MCS Act. Both arise from the same factual background and affect the same managing body. Separate and delayed decisions may result in conflicting outcomes. Therefore, it is necessary that the appellate authority decides the appeal and the connected revision together. The authority shall do so within four weeks.

5. It is stated, and not disputed, that during pendency of this writ petition the bank accounts of the society were frozen. Freezing of accounts paralyses routine administration and affects employees and members. Hence, the bank shall de freeze the account. However, to safeguard the interest of the society, the petitioners shall not take any major policy decision. They shall incur expenses only for day to day functioning and payment of monthly salaries.

6. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)