

MPB

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

WRIT PETITION NO. 16042 OF 2025

Rushabh K Shah and Ors. ... Petitioners
V/s.
The Deputy Registrar, Co-operative
Societies, Mumbai - 400101 and Ors. ... Respondents

Mr. Shantanu Raktate a/w Saurav N. Katkar & Ajinkya
Desai on b/f Mr. Amar D. Parsekar for the petitioners.

Mrs. V. R. Raje, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 1, 2025

P.C.:

1. Leave to amend to add Appellate Authority as a party. Amendment to be carried out within one week from today.
2. Prima Facie the record shows that the proceedings began with a notice under Section 78A(1) of the Maharashtra Co-operative Societies Act. The authority alleged certain defects in the functioning of the managing committee. The petitioners placed their reply on record. They pointed out that the allegations in the notice lacked particulars and did not disclose material sufficient to justify action of removal. They stated that the nature of defects was minor and capable of rectification. They asserted that such defects did not attract the jurisdiction under Section 78A.
3. The authority proceeded to pass an order under Section 78A. It appointed an administrator and treated the audited certificate as

a ground to sustain the action. The petitioners questioned the legality of this order by filing Appeal No. 256 of 2025. On 9 October 2025, the Appellate Authority directed the parties to maintain status quo. This protection continued till 14 October 2025. On that date, the Appellate Authority permitted the parties to file written submissions within fifteen days. It did not continue the earlier order of status quo. The appeal is still pending. The petitioners state that absence of interim protection has created uncertainty in administration.

4. When an appeal challenges the removal of an elected managing committee, the Appellate Authority exercises supervisory control over a serious consequence. Removal of an elected body affects continuity in the functioning of the society. Interim protection granted earlier recognises that the matter requires examination. In such a situation, the protection should continue till the appeal is decided. Sudden withdrawal of interim protection without reasons causes instability and may defeat the purpose of the appeal.

5. Till further orders, respondent No. 3 shall not assume charge from the petitioners.

6. Issue notice to respondents, returnable in **15 December 2025**.

(AMIT BORKAR, J.)