

MPB

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

WRIT PETITION NO. 16043 OF 2025

Prabhat Center Premises Co-operative
Society Ltd. ... Petitioner

V/s.

The State of Maharashtra, through
Principal Secretary, Co-operative Society
And Ors. ... Respondents

WITH

WRIT PETITION NO. 16070 OF 2025

Prabhat Center Premises Co-operative
Society Ltd. ... Petitioner

V/s.

The State of Maharashtra, through
Principal Secretary, Co-operative Society
And Ors. ... Respondents

Mr. Vaibhav Ugle a/w Mr. Vikas Somawanshi and Ms.
Kalpana Pandey, for the petitioner in both the writ
petitions.

Dr. Dhruti Kapdia, AGP for the State – Respondent
Nos.1 to 3 in both the writ petitions.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 1, 2025

P.C.:

1. The Divisional Joint Registrar has remanded the matter to the Deputy Registrar. The reason assigned is the absence of proper service of notice in the original proceedings upon the contesting respondents. The record shows that the proceedings were initiated

under Section 154(B)(29) of the Maharashtra Co operative Societies Act, 1960. The statute grants jurisdiction to the authority only after due notice to affected parties. A decision without proper notice carries the risk of being treated as void. The authority was therefore justified in examining whether the foundation of service was firm before proceeding.

2. The petitioner society asserts that the respondents received notice by e mail. The contention cannot be accepted in the absence credible proof. Service by e mail has not been notified as an accepted mode of service under the MCS Act or the Rules. The law insists on proof of actual service. In the absence of such proof, the authority cannot presume that the respondents had knowledge of the proceedings. Constructive notice cannot arise from an unrecognized mode of service. A society that initiates statutory proceedings must ensure that each respondent receives the notice personally or through a mode prescribed under law. The petitioner society has not satisfied this requirement. The Divisional Joint Registrar has therefore acted within jurisdiction in directing a remand to cure this defect.

3. It is clarified that the Deputy Registrar shall now decide the proceedings under Section 154(B)(29) of the MCS Act, 1960 within a period of three months. The authority shall issue fresh notices in accordance with law. The authority shall also record reasons with clarity so that the parties are not drawn into further technical challenges.

4. In view of the above the writ petitions stands dismissed. No

costs.

(AMIT BORKAR, J.)