

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16253 OF 2025

Vijay Kumar Jha & Ors.

... Petitioners

V/s.

The Divisional Joint Registrar,
Cooperative Societies & Ors.

... Respondents

WITH
INTERIM APPLICATION NO.13636 OF 2025

Snehal Navge & Ors.

... Applicants

In the matter between

Vijay Kumar Jha & Ors.

... Petitioners

V/s.

The Divisional Joint Registrar,
Cooperative Societies & Ors.

... Respondents

Mr. N. N. Bhadrashete, a/w Ankur Kalal, for the
Petitioners.

Mr. P. V. Nelson Rajan, AGP, for the State – Respondent.

Mr. Mayur Khandeparkar, a/w Mr. Vikhil Dhoka &
Mr. Abhijit Mukharjee i/b GM Legal, for Respondent
Nos. 3 to 6.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 2, 2025

P.C.:

1. The petition arises under Section 75(5) of the Maharashtra Cooperative Societies Act, 1960. The entire Managing Committee of the petitioner society stands disqualified for five years.

2. The record shows the petitioners filed a detailed reply. They say the society building had been demolished. They say the present petitioners and Respondent Nos. 3 to 6 were elected on 30 July 2023. They say the previous Managing Committee handed over only some papers and withheld the rest. These facts, if accepted, bear directly on the issue of responsibility.

3. The Authority under the Act must examine whether these explanations amount to a reasonable cause. The Authority must test each defence against the statutory obligations in Section 75(5). The enquiry must identify who, in truth, failed to perform the duties imposed by the Act, the Rules and the bye laws. The Court in *Kailash Maheshwari. Vs State of Maharashtra* (Writ Petition No. 10587 of 2025), decided on 25th September 2025 held that adjudication on these questions is essential before imposing collective punishment. That principle governs this case.

4. The record contains no focussed finding on these matters. There is no finding which separates individual culpability from collective consequence. In that factual vacuum the blanket disqualification of the entire Managing Committee cannot stand. Law does not permit punishment without an inquiry that isolates the responsible persons.

5. For these reasons the matter must go back to Respondent No. 2. Respondent No. 2 shall hear the petitioners and the opposing side. Respondent No. 2 shall apply the tests laid down in *Kailash Maheshwari*. Respondent No. 2 shall record clear and specific reasons for each conclusion. If only some members are found

responsible, orders must address those members alone.

6. Orders passed by Respondent No. 1 and Respondent No. 2 are quashed and set aside to the extent they effect collective disqualification.

7. The parties shall appear before Respondent No. 2 on **15 December 2025 at 10:30 a.m.**

8. Respondent No. 2 shall conclude the adjudication within eight weeks from the date of appearance. Respondent No. 2 shall give both sides an effective hearing. Respondent No. 2 shall pass a reasoned order that specifies findings of fact, identifies persons found responsible, and states the legal basis for any penalty imposed.

9. The writ petition stands disposed of.

10. In view of the disposal of the writ petition, the interim application does not survive and is accordingly disposed of.

(AMIT BORKAR, J.)