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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16504 OF 2025

Atlantis Cooperative Housing
Society Limited

... Petitioner

V/s.

Deepak Khandekar, Inquiry
Officer & Ors.

... Respondents

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Mr. Prashant P. Kulkarni for the petitioner.

Mr. D.A. Bhalerao with Harshika Arunkumar for
respondent Nos.3 and 4.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 23, 2025

PC.:

1. The petitioner is a cooperative housing society. It has approached this Court to challenge an order passed by the revisional authority under Section 154 of the Maharashtra Cooperative Societies Act, 1960. By that order, the revisional authority entertained and decided a revision filed against a report submitted by an inquiry officer under Section 83 of the Act. The grievance of the society is simple. According to it, the revisional authority assumed jurisdiction which the law does not confer.

2. This issue is no longer res integra. A coordinate Bench of this Court, in *Sayajirao Narayan Takwane vs. Divisional Joint Registrar, Cooperative Societies, Pune*, Writ Petition No. 544 of 2025 decided on 4 February 2025, has examined the scope of Section 154 in the

context of an inquiry report under Section 83. The Court held in clear terms that a mere inquiry report, which does not recommend initiation of criminal proceedings and is not followed by registration of an offence, does not give rise to any revisable cause. Only when the inquiry report recommends criminal action and such recommendation culminates in lodging of a first information report, can the report be subjected to revision under Section 154. This interpretation flows directly from the statutory scheme and the nature of an inquiry report.

3. In the present case, the factual position is undisputed. The inquiry officer's report under Section 83 does not recommend any criminal action. No criminal proceedings were initiated on the basis of that report. These facts are borne out from the record itself. In view of the law laid down in *Sayajirao Narayan Takwane*, the very foundation for invoking revisional jurisdiction was absent. Therefore, the exercise of power by the revisional authority cannot be sustained in law.

4. The respondent contended that since no appeal is provided against a report under Section 83, the revision was the only remedy available. This submission does not appeal to reason. A right of revision is not an inherent right. It exists only when the statute expressly creates it. Section 154 permits revision only against a decision or order passed under the Act. Once this Court has held that an inquiry report under Section 83 is neither a decision nor an order within the meaning of Section 154, the question of invoking revisional jurisdiction does not arise. Absence of an appellate remedy cannot enlarge the scope of revisional

power beyond what the statute permits.

5. For these reasons, the impugned order dated 24 September 2025 passed by the revisional authority in Revision Application No. 76 of 2025 is liable to be quashed. It is accordingly quashed and set aside. As a necessary consequence, the inquiry report submitted under Section 83 of the MCS Act stands revived and restored to its original position.

6. This, however, does not leave the respondents remediless. It shall be open to them to adopt such proceedings as are permissible in law to challenge the inquiry report under Section 83, if so advised. This Court has expressed no opinion on the merits of the inquiry report. All contentions in that regard are kept open, subject to the remedies available under law.

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

(AMIT BORKAR, J.)