

AGK

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

WRIT PETITION NO.16543 OF 2025

Premier Poultry Products Pvt. Ltd. ... Petitioner

V/s.

District Deputy Registrar, Coop.
Societies & Ors. ... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.12.16
18:14:48 +0530

Mr. Asutosh Shukla with Mr. Priyank Shukla for the
petitioner.

Smt. S.A. Prabhune, AGP for respondent Nos.1 and 2-
State.

Mr. Sachin V. Masurkar with Mr. Nimish Achrekar for
respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 16, 2025

P.C.:

1. The dispute before this Court arises from proceedings taken under Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960. The Deputy Registrar issued a recovery certificate under the said provision. While doing so, he recorded that the petitioner had conceded before him that the amount claimed by the society was accepted. This recorded concession forms the sole foundation of the impugned certificate.

2. The petitioner disputes this recording. He states that no admission or concession was ever made. He relies upon the roznama of the relevant date. According to him, on that day the society furnished copies of account extracts. A discussion then took

place about possible payment up to a certain limit. The petitioner submits that this discussion was only exploratory in nature. It was not an acceptance of liability. He contends that this limited discussion was wrongly treated as an admission of the entire dues, which led to the issuance of the certificate.

3. The society contests this version. Learned Advocate for the society drew attention to clause 14 of the order passed by the Deputy Registrar. That clause records that a discussion on dues took place and that a categorical statement was made accepting the dues. According to the society, this was a clear and conscious concession made before the authority. On that basis, the Deputy Registrar proceeded to issue the recovery certificate.

4. The controversy thus centers on whether a concession on facts was made before the Deputy Registrar. This is a dispute about what transpired during the proceedings. The law on this issue is settled. The Supreme Court in *State of Maharashtra v. Ramdas Srinivas Nayak (1982) 2 SCC 463* has held that what is recorded by a Court or authority about happenings before it must be corrected before that very authority. Such correction must be sought immediately, while the events are still fresh in the mind of the authority. A superior Court cannot decide between rival versions of oral concessions when the record speaks otherwise. It cannot substitute its own assessment for what occurred before the original authority.

5. In view of this settled position, this Court cannot adjudicate upon the disputed question as to whether a concession was

actually made. The proper course is for the parties to approach the District Deputy Registrar for clarification or correction of the record, if so advised. If such clarification is obtained, it will be open to the parties to take further steps in accordance with law. This Court, therefore, refrains from entering into the factual controversy at this stage.

6. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)