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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16893 OF 2025

Nikhil Hasmukh Malkan ... Petitioner

V/s.

The Divisional Joint Registrar, Coop.
Societies, Mumbai Division & Ors. ... Respondents

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Mr. Vishal Kanade with Ronish Mehta i/by Vinod Mistry
& Co., for the petitioner.

Mrs. P.J. Gavhane, AGP for respondent Nos.1 and 3-
State.

Mr. Nishant Sasidharan with Jugal Mehta, Tejashree
Parab, and Swapnik Sandim i/by Rajesh S. Sharma &
Associates for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 17, 2025

P.C.:

1. The present writ petition calls in question the legality of proceedings taken under Section 23(2) of the Maharashtra Co operative Societies Act, 1960. The dispute concerns the right of the petitioner to be admitted as a member of the respondent society. The statute provides a clear remedy and a defined procedure for deciding such disputes. The Court is therefore required to examine whether the authorities acted within the limits of that procedure and on the basis of material placed on record.

2. The Deputy Registrar, upon examining the record, allowed the appeal filed by the petitioner and directed respondent No.2

society to grant membership. That order proceeded on the finding that the petitioner satisfied the statutory requirements for membership. Aggrieved thereby, the society invoked revisional jurisdiction under Section 154 of the MCS Act. The revisional authority interfered with the appellate order, not on the merits of the petitioner's claim, but solely on the ground that the society was not granted proper opportunity of hearing and that certain documents relied upon by the petitioner were not supplied to it.

3. On a plain reading of the revisional order, it becomes evident that the revisional authority has not identified a single document which was allegedly withheld from the society. The order is silent as to the nature of such document and its relevance. It also does not record how the absence of such document caused prejudice to the society. A bald assertion of violation of natural justice, without reference to supporting material on record, cannot form a valid basis to set aside an appellate order. Natural justice is not an abstract plea. It must rest on demonstrable facts. Unless the record shows denial of hearing or suppression of material documents, remand of proceedings is unwarranted. The revisional authority, having seized of the revision, was duty bound to examine the correctness of the appellate order on its own merits instead of remitting the matter mechanically.

4. In these circumstances, the impugned order dated 5 August 2025 cannot be sustained in law and is liable to be set aside.

5. Consequently, the following order is passed.

a) The impugned order dated 5 August 2025 is quashed

and set aside;

- b) Revision Application No.383 of 2023 stands revived;
- c) The parties shall appear before the revisional authority on 29 December 2025;
- d) The revisional authority shall decide the revision application on its own merits and in accordance with law within a period of six months from the date of appearance of the parties;
- e) All contentions of both parties are expressly kept open.

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

(AMIT BORKAR, J.)