

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17327 OF 2025
AND
WRIT PETITION NO.17329 OF 2025

Dharamdeep Premises Coop.

Society Limited

... Petitioner

V/s.

The District Deputy Registrar,

Cooperative Societies & Anr.

... Respondents

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KULKARNI

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Mr. Preet Chheda with Viral Amin, Yash Oza, & Sujit
Upadhyay i/by M/s. B. Amin & Co. for petitioner in
both WP.

Mrs. Pooja Patil, AGP for respondent No.1-State in both
WPs.

Mr. Prajyot Sawardekar for respondent No.2 in both
WPs.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 23, 2025

PC.:

1. These writ petitions arise from the rejection of the housing society's application seeking condonation of delay in filing a revision. The proposed revision questioned the refusal of the Registrar to issue a certificate under Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960.

2. In the application for condonation of delay, the society stated that it was facing financial constraints. It was further stated that the petitioner had already initiated proceedings before this Court

for recovery of dues from respondent No.2 for the period from 2014 to 2017, which were pending. According to the society, this resulted in additional financial burden. The society also asserted that the delay was neither intentional nor deliberate.

3. Respondent No.2 opposed the application. He contended that the plea of financial difficulty taken by the society was incorrect. He further submitted that the assertion regarding pendency of proceedings before this Court was also factually incorrect. According to him, the delay was deliberate and lacked any bona fide explanation.

4. While dealing with applications under Section 154B-29 of the Maharashtra Cooperative Societies Act, the authorities must keep in view the practical working of a housing society. A housing society survives on maintenance contributions paid by its members. This is not a disputed position. There is no material to show that the society has any independent or alternate source of income. When a member does not pay maintenance for a long period, the effect is immediate and direct. The society finds it difficult to meet routine expenses. These include security, cleaning, electricity for common areas, water charges, and basic repairs. Such non-payment affects not only the accounts of the society but also its day-to-day functioning. The smooth administration of the society becomes difficult. In this background, proceedings relating to recovery of dues and issuance of certificates cannot be viewed as ordinary disputes. The authorities are expected to act with sensitivity and caution, keeping in mind the collective interest of all members who regularly pay maintenance.

5. The authorities under the Act cannot reject such applications on trivial or superficial grounds. If the society has claimed any amount to which it is not legally entitled, the law provides a clear remedy. Such excess can be excluded or corrected after scrutiny of records. There is no justification to reject the entire application on that ground alone. A blanket rejection only delays recovery of legitimate dues. It forces the society to enter into further litigation. This increases costs and burdens a body which already depends solely on member contributions. Such an approach serves no lawful purpose and defeats the object of the Act.

6. Seen in this factual and legal background, the explanation offered by the petitioner deserves acceptance. The reasons placed on record are supported by the circumstances of the case. They disclose a genuine difficulty faced by the society and do not indicate any deliberate or negligent conduct. The delay stands reasonably explained. In my view, the cause shown is sufficient in law. The petitioner has, therefore, made out a clear case for condonation of delay.

7. The writ petition, therefore, stands allowed in terms of prayer clauses (a) and (b).

8. No costs.

(AMIT BORKAR, J.)