



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 799 OF 2025

(Milind Shravan Bhandare & Ors. Vs. Assistant Registrar Co-operative Societies Chikhali & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. C.S. Kaptan, Senior Counsel with Mr. R.S. Kalangiwale,
Counsel for the petitioners.

Mr. D.V. Chauhan, Senior Counsel/Government Pleader with
Ms K.P. Marpakwar, A.G.P. for respondent no.1/State.

Mr. Ashish Chaware, Counsel for respondent no.2.

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CORAM : ANIL L. PANSARE, J.
FEBRUARY 13, 2025

The argument is that despite, in earlier round of litigation, this Court held that respondent no.2 – Bank is duty bound to prove the contents of the application in terms of Rule 86E of the Maharashtra Co-operative Societies Rules, 1961 (for short “Rules of 1961”), the Bank continued to put forth written notes of arguments and not to prove the contents of the application.

2] In the earlier round of litigation, i.e., Writ Petition No. 6682/2024, this Court, vide order dated 14/11/2024, set aside the order passed under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short “Act of 1960”) by respondent no.1, issuing recovery certificate. This Court was pleased to remand the matter back to respondent no.1 – Assistant Registrar Co-operative Societies, Chikhali, for deciding it afresh. In doing so, the Court directed respondent no.1 to

scrupulously follow Rules 86E and 86F of the Rules of 1961 while deciding the application afresh.

3] Despite such finding, neither respondent no.2 made an attempt to prove the contents of the application nor respondent no.1 ensured compliance of order passed by this Court and, thus, committed same mistake as was committed in earlier proceedings.

4] Mr. D.V. Chauhan, learned Senior Counsel/ Government Pleader for respondent no.1 submits that the petition itself is not maintainable for, there is remedy under Section 154 of the Act of 1960 to file revision before the State Government.

5] This ground was raised before this Court in the earlier round of litigation as well. The Court having found blatant violation of the Rules of 1961, particularly Rule 86E thereof, refused to accept the submission of alternate remedy.

6] In the present case also, the same fate will follow inasmuch as nothing has changed after remanding the matter back for consideration afresh. Neither the respondent no.1 nor respondent no.2 have taken efforts to proceed in accordance with Rules 86E and 86F of the Rules of 1961.

7] Thus, despite categorical directions of this Court, the respondents failed to adhere to the same. Accordingly the learned A.G.P. and the learned Counsel for respondent no.2 were requested to take instructions from the respondents. Both, the learned A.G.P. and the

learned Counsel for respondent no.2, on instructions, makes a statement that if the matter is remanded back, the application will be prosecuted in terms of Rules of 1961, including compliance of Rule 86E. Statement is accepted.

8] Resultantly, following order is passed “

ORDER

I] Order dated 27/1/2025 passed by respondent no.1 - Assistant Registrar, Co-operative Societies, Chikhli, is quashed and set aside.

II] The matter is remanded back to respondent no.1 to decide afresh in accordance with law and in the light of what has been stated in the body of the order.

III] The parties shall appear before respondent no.1 on 6/3/2025.

9] The petition is disposed of in above terms.
No costs.

(ANIL L. PANSARE, J.)

Sumit