



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

WRIT PETITION NO. 5842 OF 2019

(Pusad Urban Co-operative Bank vs. Ma Sharda Mahila Co-operative Bank Ltd. Akola and anr.)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Abhay Sambre, Advocate for petitioner.
Mr. A.A.Madiwale, AGP for respondent No.2.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 24, 2025

- 1) Heard learned counsel for the petitioner Bank and learned Assistant Government Pleader for respondent No.2. Though the respondent No.1 served, none appears.
- 2) The petitioner challenges order dated 30/03/2019, whereby the District Deputy Registrar (for short 'DDR'), Co-operative Societies, Akola refused to grant permission to file proceedings under Section 91 of the Maharashtra Co-operative Societies Act, 1960 (for short 'said Act').
- 3) The petitioner Bank is registered under the aforesaid Act and also possesses Banking License under the Banking Regulation Act, 1949.
- 4) The petitioner filed an application under Section 107 of the said Act and sought permission to initiate the recovery proceedings against the respondent No.1 under Section 91 of the said Act. The DDR rejected the said permission only on the ground that registration of the respondent No.1 Bank was cancelled.

- 5) I have gone through the order passed by the DDR, it reveals that the DDR refused to grant permission only because the Liquidator took over the charge and registration of the petitioner Bank was cancelled.
- 6) Learned Assistant Government Pleader vehemently opposed to entertain the present petition by stating that instead of Liquidator now Receiver is appointed. He further submits that as the registration of the petitioner Bank was cancelled, the DDR has rightly passed the order. He further submits that once the registration was cancelled, there is no reason to grant permission to the petitioner to file proceedings under Section 91 of the said Act, now against the Receiver.
- 7) Learned Assistant Government Pleader has not pointed out any provision which empowers the Registrar to refuse to grant permission.
- 8) I have gone through the order passed by the DDR and provision of Section 107 of the said Act. There is no provision under the Act and Rules, which empowers the Registrar to refuse to grant permission to file the proceeding for recovery of the amount under Section 91 of the said Act. In view thereof, the petition is allowed.
- 9) The order dated 30/03/2019 passed by the respondent No.2 - District Deputy Registrar, Co-operative Societies, Akola is quashed and set aside and the application filed by the petitioner Bank is allowed.

(SIDDHESHWAR S. THOMBRE, J.)