

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4161 OF 2026



1. Suresh Marutrao Kote,
Age : 70 years, Occu. Agril.,
R/o. Kotul, Tq. Akole,
District : Ahilyanagar (Ahmednagar)
2. Bhausahab Kisan Naikwadi,
Age : 64 years, Occu. Agri.,
R/o. Khanapur, Tq. Akole,
District : Ahilyanagar (Ahmednagar). ..Petitioners

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Cooperative Department,
Mantralaya, Mumbai-32.
2. Divisional Joint Registrar,
Cooperative Societies,
Nashik Division, Nashik.
3. Assistant Registrar,
Cooperative Societies,
Akole, Tq. Akole,
District: Ahilyanagar (Ahmednagar).
4. Buwasaheb Nawale Gramin
Bigar Sheti Patsanstha Maryadit,
Akole, Tq. Akole,
District: Ahilyanagar (Ahmednagar),
Through its Chairman/Manager.
5. Deelipkumar Umaji Mandalik,
Age: 50 years, Occu. Household.,
R/o. Malizap, Tq. Akole,
District: Ahilyanagar (Ahmednagar). ..Respondents

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Advocate for the Petitioners : Mr. A.N. Nagargoje
AGP for Respondent/State : Ms. R.R. Tandale
Advocate for Respondent No.4 : Mr. V.R. Dhorde

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 06, 2026

FINAL ORDER :-

1. Present petition takes exception to order dated 07.08.2025 passed by respondent no.3/Assistant Registrar in proceeding bearing Application No.258/2024-25 thereby directing issuance of recovery certificate under Section 101 of Maharashtra Co-operative Societies Act, 1960 ('Act of 1960' for short) in favour of respondent no.4. The petitioners have also raised challenged to order dated 04.02.2026 passed by respondent no.2/Divisional Joint Registrar in Revision Application No.262/2025, whereby petitioners revision application refused consideration for non-compliance of conditions regarding pre-deposit under Section 154 (2A) of Act of 1960.

2. Mr. Nagargoje, learned advocate appearing for petitioners submits that respondent no.4 – credit society had initiated proceedings under Section 101 of Act of 1960 for issuance of recovery certificate against petitioners. On 14.07.2025, parties to proceedings had finally argued matter and it was closed for orders. The arguments were heard by Mr. Amol Waghmare, Assistant Registrar at Kopargaon. However, on his transfer as Assistant Registrar, Akole, on 25.07.2025 he had handed over charge to next incumbent. Mr. Sandeepkumar Prabhakar Rudraksh took over charge in his place. He passed final order dated 07.08.2025 directing issuance of recovery certificate in terms of Section 101 of Act of 1960 r/w 86 of

Maharashtra Co-operative Society Rules, 1961 ('Rules of 1961' for short).

3. Mr. Nagargoje would submit that when final arguments were heard by Mr. Amol Waghmare and matter was closed for orders, it was expected of him only to pass final order. Surprisingly, final order is passed and signed by Mr. Sandeepkumar Prabhakar Rudraksh. The procedure adopted by respondent no.3 is contrary to principles of natural justice and Rule 86-F of Rules of 1961. In support of his contention, he relies upon observations of this Court in case of Sonia Bhalchandra Godase and Others Vs. The State of Maharashtra and Others (Writ Petition No.18117 of 2024) decided on 04.11.2025 at Circuit Bench at Kolhapur.

4. It is trite that Section 101 of Act of 1960 contemplates that Registrar after making inquiry in such manner as may be prescribed, grant a certificate for recovery of amount. Chapter VIIIA of Rules of 1961 deals with procedure for grant of certificate for recovery under Section 101. Rule 86-A prescribes for filing an application for grant of certificate for recovery. Rule 86-E prescribes procedure for hearing of the application. It further contemplates that after hearing arguments of parties, the Registrar shall issue a reasoned judgment and pass an order for grant or rejection of application.

5. In case of ***Sundeeep Polymers Pvt Ltd and Ors Vs. State of Maharashtra and Ors*** reported in ***2010 (7) Mh.L.J. 538***, Division Bench of this Court observed thus :

“We are of the opinion that the learned Single Judge has not considered the procedure prescribed under Rule 86-A to 86-F of the said Rules. It is crystal clear from the Rules 86-A to 86-F that the Authorities pertains quasi judicial work. The Authorities have to follow the rules of natural justice. The Recovery Certificate issued must be held to be invalid and bad in law and needs to be struck down.”

The aforesaid exposition of law makes it explicit that authorities are mandated to follow procedure under Section 86-A to 86-F and also follow principles of natural justice, absence of which vitiates entire proceedings and consequential recovery certificate.

6. In present case, it is apparent from relieving letter dated 25.07.2025 that Mr. Amol Waghmare, Assistant Registrar who heard final arguments was relived and Mr. Sandeepkumar Rudraksh took over charge. The impugned order dated 07.08.2025 is passed and signed by Mr. Rudraksh without hearing parties. The Assistant Registrar who heard final arguments and closed matter was already relieved and next incumbent who took over charge, without affording opportunity of hearing to parties passed order under Section 101 of Act of 1960. Such order is not sustainable in law.

7. In result, writ petition is allowed. The impugned order dated 07.08.2025 passed by respondent no.3/Assistant Registrar in Application No.258/2024-25 and order dated 04.02.2026 passed by

respondent no.2/Divisional Joint Registrar in Revision Application No.262/2025 are quashed and set aside.

8. The matter is relegated back to respondent no.3 for hearing and disposal in accordance with law at the stage of final arguments.

9. Parties to appear before respondent no.3 on 22.05.2026. Respondent no.3 shall pass order afresh after hearing parties within a period of ten weeks thereafter.

(S.G. CHAPALGAONKAR, J.)